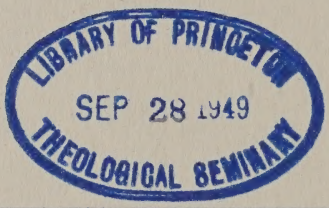

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PROBLEMS OF CHURCH AND STATE IN MARYLAND

During the Seventeenth and Eighteenth Centuries

by

ALBERT WARWICK WERLINE, PH.D.

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To

Esther

who came

into my kingdom

"for such a time as this"

PREFACE

The place of religion in the life of nations, particularly man's struggle to free it from the shackles of the state, has long been of intense interest to me. In my research on the subject, I found that the colonial period of American history offers in general a fruitful field for study, and that Maryland in the movements for religious freedom holds a unique place. The decision to confine my investigation to the state of my adoption came as a natural one.

Any one who enters the controversial field of church and state relationships in the province of Maryland during the seventeenth and eighteenth centuries, runs the risk of being classed as one of those who "rush in where angels fear to tread." The author of this monograph, however, will be satisfied if he has succeeded in presenting certain aspects of the problem in such a way as to persuade others to undertake further research.

The material for this study has been obtained chiefly from the Library of Congress, Washington, D. C.; the Maryland Historical Society Library, the Enos Pratt Library, the Peabody Library, the Maryland Diocesan Library, all of Baltimore; the Maryland State Library and the Hall of Records at Annapolis; the Columbia University Library and the New York Public Library of New York City; and the American Antiquarian Society Library at Worcester, Massachusetts.

Acknowledgment of financial assistance is due the Board of Trustees of the Washington Missionary College of Takoma Park, Washington, D. C., and especially to the Board of Trustees of Atlantic Union College, South Lancaster, Massachusetts, without whose help in research

and in publication this book might not have been written.

The individuals to whom the author is indebted are legion. Librarians and custodians of manuscript collections in every place visited showed a keen interest and desire to be helpful. This was especially true of the Library of Congress where the bulk of the research was carried on. Miss Florence Kennedy, of the Maryland Historical Society Library, and the late Dr. Robertson, and his successor, Dr. Morris L. Radoff, Archivist, Hall of Records, Annapolis, were especially helpful; and Mr. Clarence S. Brigham of the American Antiquarian Society secured rare documents and placed them at my disposal.

The late Professor Evarts B. Greene sponsored this study in its early stages and its development was a result of his encouragement. To Professor John A. Krout, under whose guidance the manuscript was completed, the author owes a debt of gratitude.

No attempt has been made to solve controversial questions. In the realm of religion such efforts too often lead only to pride of opinion and bigotry. The sources in this monograph have been allowed to tell their own story, and the reader free to draw his own conclusions.

A. W. W.

South Lancaster, Mass.
November 15, 1948

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CHAPTER I

THE BACKGROUND OF THE ESTABLISHED CHURCH

The first arrangements for the charter granting the land later called Maryland were made between King Charles I of England and George Calvert, the first Lord Baltimore, an adherent of the Roman Catholic religion. Before the transaction was completed, George Calvert died and left all his possessions to his son, Cecil Calvert, to whom the charter was finally confirmed in 1632.[1]

Undoubtedly the first Lord Baltimore was actuated by a religious motive in seeking to establish a colony in the New World.[2] Evidence, however, is hard to find that either he or his son, Cecil, contemplated the establishment of the Maryland colony as a refuge for persecuted Catholics.[3] Opposed to the view that they planned it as such is the fact that Roman Catholics in England were not subjected to persecution at that time.[4] Indeed, nothing in the Charter gave to Cecil Calvert, a Roman Catholic, the authority to establish in the province the religion of his

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[1] M. I. J. Griffin, Editor, *American Catholic Historical Researches*, (Philadelphia, 1895), XII, 160. George Calvert's will can be found in the Calvert Papers, I, *Fund Publication* #28 (Baltimore, 1899), 48-50.

[2] C. M. Andrews, *The Colonial Period of American History* (New Haven: Yale University Press, 1937), II, 279. Hereafter referred to as the *Colonial Period*.

[3] A. P. Dennis, "Lord Baltimore's Struggle with the Jesuits, 1634-1639," *Annual Report of the American Historical Association for the Year 1900* (Washington, 1901), I, 112. But cf. also E. B. Greene, *Religion and the State in America* (New York, 1941), p. 53.

[4] M. I. J. Griffin, Editor, *American Catholic Historical Researches* (Philadelphia, 1903), XX, 73. N. D. Mereness, *Maryland as a Proprietary*

choice.[5] Furthermore, it is but natural to assume that the second Lord Baltimore was deeply interested in the success of his venture. Apparently both he and his father realized that dependence on their coreligionists was not sufficient to accomplish their purpose.[6] Cecil Calvert was also aware of the desire of many Protestants in England to find a place in the New World where they might go and secure a wider recognition of their religious rights.[7] It was perhaps a knowledge of these facts that caused the proprietor to lay the foundation of his new colony in Maryland on that broad basis of religious toleration which he felt would induce immigration and thus insure success.

A proper understanding of the nature of this toleration is essential to a study of the place religion occupied in the development of the province. Any statement, however, regarding it must be made in the light of concepts held at that time. Judged by principles prevalent today, the policy of Cecil Calvert respecting religion seems narrow and bigoted. It assured full privileges only to believers in the Trinity. An act passed as early as 1638 for swearing allegiance to Charles I required an oath on the "faith of a Christian," and prescribed penalties of

Province (New York, 1901), p. 502. Plans for overseas colonization by Roman Catholics had been considered as early as the reign of Queen Elizabeth, and George Calvert's contemplated undertaking may have been in anticipation of some future need on the part of his coreligionists. Cf. Alexander Brown, *Genesis of the United States* (Boston and New York, 1890), I, 198 and 244. See also C. M. Andrews, *Colonial Period*, I, 79, Footnote #1. Whatever the motive of the first Lord Baltimore, not even King Charles I could dissuade him from his purpose. The King to George, Lord Baltimore, November 22, 1629, *Calendar of State Papers, Colonial Series, 1574-1660* (London, 1860), p. 104.

[5] C. E. Smith, *Religion Under the Barons of Baltimore* (Baltimore, 1899), p. 128. The charter can be found in N. D. Mereness, *Maryland as a Proprietary Province*, pp. 507-520. It contains no reference whatever regarding the granting of religious liberty to the colonists. F. C. Clark, "The Maryland Episode," *Magazine of History*, VI, 270.

[6] C. M. Andrews, *The Colonial Period*, II, 291.

[7] *Maryland Archives*, V, 267-268.

imprisonment and banishment to anyone refusing to take it.[8] This clearly militated against Jews. Another act of the same date required that all judges and public officers take an oath of allegiance to the proprietor.[9] Thus the colony of Maryland was closed as a desirable place of residence to such sects as the Quakers, who were opposed to judicial oath taking. At the same time, sorcery, idolatry, and blasphemy were declared felonies carrying the death penalty.[10]

At first the governing power in the colony was largely in the hands of Roman Catholics,[11] but forces were already at work, both without the province and within, that were destined to bring about a change. In the first objection to Baltimore's claim that he possessed Kent Isle, a region within the boundaries of his new province, a religious motive was introduced. Virginia also claimed this territory, and the leading contender for her rights against Baltimore was William Claiborne, an anti-Catholic. He had from the first opposed issuance of the charter and was one of the leaders in the effort to prevent George Calvert from remaining in Virginia when he first visited there in search of a site for a colony.[12] Intrenched on Kent Isle, Claiborne refused to submit to a Catholic overlord even after English authorities had decided in favor of Baltimore's claim.[13] The proprietor, Cecil Calvert,

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[8] *Maryland Archives,* I, 40.

[9] *Ibid.,* 44-45.

[10] *Ibid.,* 71-72.

[11] A. P. Dennis, "Lord Baltimore's Struggle with the Jesuits, 1634-1639," *Annual Report of American Historical Association for Year 1900* (Washington, 1901), I, 112.

[12] C. M. Andrews, *The Colonial Period,* II, 303. Claiborne's attitude was in accordance with the spirit of the charter of Virginia in 1609 which opposed any person suspected of allegiance to the Roman Church from settling there. W. W. Hening, *Virginia Statutes at Large* (New York, 1823), I, Article XXIX, 97-98.

[13] In this insubordinate attitude, he was backed by the Virginia Council. H. R. McIlwaine, Editor, *Minutes of the Council and General Court of*

tried to win the allegience of Claiborne but failed to do so.[14] He then instructed his brother Leonard, governor of Maryland, to take Kent Isle by force. Claiborne later retook the Isle while Leonard Calvert was a fugitive in Virginia.[15] Although the governor of Virginia aided Leonard Calvert to regain possession of his colony,[16] the proprietor's future control there was far from secure.

At the time the proprietor was engaged in the controversy with non-Catholic Virginians over Kent Isle, trouble arose within his province. The internal problems were also largely religious in character. One of them is of special significance since it brought the proprietor into conflict with members of his own household of faith. The trouble arose with the Jesuits. They had been active in the colony from the beginning and had worked independently of the proprietor in matters of land holding, not withstand-

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Colonial Virginia (Richmond, Va., 1924), I, Roll No. 11, June 11, 1634, 481.

[14] In the instructions Lord Baltimore drew up in 1633 for his colonists in Maryland is seen the conciliatory attitude he showed toward Claiborne. Calvert Papers, I, *Fund Publication* #28 (Maryland Historical Society, Baltimore, 1889), 134-135.

[15] He had been forced to flee there after his return to Maryland from a visit to the proprietor in England. C. M. Andrews, *The Colonial Period,* II, 308. J. L. Bozman, *History of Maryland form its First Settlements in 1633 to the Restoration in 1660* (Baltimore, 1837), II, 290. Claiborne's opposition was supplemented by the work of Richard Ingle, another Protestant who at approximately the same time took St. Mary's.

[16] Undoubtedly the political and religious situation in England where a Puritan Parliament was in a struggle with an Anglican king had an influence on events in Maryland. Claiborne had become attached to the parliamentary cause, which may have induced the royal governor of Virginia to support the Maryland proprietor against him. Cf. J. L. Bozman, *History of Maryland,* II, 289. Also B. C. Steiner, "Maryland During the English Civil Wars," *Johns Hopkins University Studies in Historical and Political Science,* XXV, Nos. 4-5, 196. Ingle continued in England his opposition to Lord Baltimore by charges against him of Catholic attempts in Maryland to crush Protestants. These charges showed his character in an unfavorable light. *Ibid.,* 198. Although unable to prove his statements, Ingle's influence was such that the Lords and Commons in Parliament, acting on information from Maryland which he may have inspired, actually drew up an ordinance for consideration of the House of Commons containing a suggestion that the province of Maryland be placed in Protestant

ing their original loyalty to him in his undertaking.[17] Their aim was temporal independence through acquisition of land from the Indians. As early as 1642, their attempts to secure land contrary to instructions, called forth severe rebuke from the proprietor.[18] At last legislation made it possible for him to seize all such holdings not properly granted.[19] These drastic laws came after the proprietor had received from Rome vindication of his policy regarding his New World venture and permission to remove the Jesuits from his colony.[20]

The seriousness of the Jesuit menace, as viewed by the proprietor, is seen in the measures to which it appears he resorted in order to curtail their influence. Perhaps he felt that by encouraging Protestant immigration he might curb Jesuit ambitions.[21] This may have been one of the reasons that led to a further emphasis on the toleration of all Christian sects, which became apparent at this time. A liberal attitude had prevailed in Maryland from its foundation, but the proprietor's struggle with the Jesuits may have confirmed to him the wisdom of such a policy. It is certain that by the middle of the seventeenth century he placed renewed emphasis upon it. In so doing he widened

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hands. Proceedings of the Council, 1636-1667, *Maryland Archives,* III, 173. Cf. also C. M. Andrews, *The Colonial Period,* II, 309.

[17] C. M. Andrews, *The Colonial Period,* II, 312. Calvert's distrust of the Jesuits can be read in the Calvert Papers, I, *Fund Publication No. 28* (Baltimore, 1889), p. 217 ff.

[18] Leonard Calvert, governor of Maryland and brother to the proprietor, was involved in some of these land deals, and the proprietor wrote him to grant no more lands to Jesuits. Cecil Calvert to Leonard Calvert, November 23. Calvert Papers, I, *Fund Publications No. 28,* 219-221,

[19] *Maryland Archives,* I, 248 and III, 227-237.

[20] B. T. Johnson, "The Foundation of Maryland and the Origin of the Act Concerning Religion," *Fund Publication #18* (Maryland Historical Society, Baltimore, 1883), p. 64. The result of this struggle can be seen in the legislation of Maryland today. C. M. Andrews, *Colonial Period,* II, 313.

[21] A. P. Dennis, "Lord Baltimore's Struggle with the Jesuits," *Annual Report of the American Historical Association for the Year 1900* (Washington, (1901), I, 113.

the avenues for religious forces that in a few years accomplished his overthrow. His sense of the need of Protestant support, as well as his interest in his coreligionists, other than Jesuits, may have influenced his decision to name a Protestant, William Stone, as governor in 1648. At the time Stone was installed, the proprietor exacted from him an oath of toleration of all Christians, especially Roman Catholics.[22] In conformity with this policy, the new governor in 1649 invited a group of persecuted Protestants, who had settled in Virginia, to migrate to his colony. They consisted of members of the Congregated Church and other well effected people in Virginia.[23] This met with an immediate response, because of the more liberal religious atmosphere of the Maryland colony. The Puritan settlement on the Severn river materially augmented the Protestant majority that had been present in Maryland from the beginning.[24] It also increased the Puritan influence that eventually reached complete domination of the province in 1654.[25]

This brief presentation of the status of religion in the earliest developments of Maryland is but prologue to the significance of the year 1649. In this year was passed the Act Concerning Religion or, as it is commonly called, the Toleration Act. Whether Catholics or Protestants were responsible for its passage, or the proportional influence

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[22] *Maryland Archives,* III, 210. Stone had undertaken to get "five hundred persons of British or Irish descent to settle in Maryland in a short time." *Ibid.,* 201. This is sometimes given as the reason why he was chosen governor at this time. B. C. Steiner, "Maryland During the English Civil Wars," *Johns Hopkins University Studies in Historical and Political Science,* Series XXV, Nos. 4-5, 255. Stone had once been a vestryman in Virginia. *Ibid.,* Footnote #15.

[23] L. Strong, "Babylon's Fall," C. C. Hall, Editor, *Original Narratives of Early American History. "Maryland," 1633-1684* (New York, 1910), p. 235, and Leonard Strong, *Babylon's Fall in Maryland, A Fair Warning to Lord Baltimore* (Printed for the author, 1655.), p. 1.

[24] C. M. Andrews, *The Colonial Period,* II, 312.

[25] See below p. 11.

of each in bringing it about, is still, after nearly three hundred years, an unsettled matter.[26] It is certain that this act respecting religion was in no sense a broadening of the policy which had been dominant from the founding of the colony. As we have seen, Maryland had never given civil and religious liberty, or even toleration, to believers in all creeds, but only to such as believed in the Trinity.[27] The Toleration Act extended protection only to those who professed Christianity and as such was but a continuation of the old policy. Now, however, severe penalties were imposed against any who spoke against the Trinity, or Mary, or the Apostles, or who used such terms as heretic, schismatic, idolator, Jesuit, Calvinist, Presbyterian, or Separatist, as terms of religious reproach against anyone.[28] The harsh stipulations of the Act toward those who denied the divinity of Christ may perhaps be attributable to Puritan influence. They were not a part of Baltimore's original text.[29] The proprietor desired to secure toleration for all Christians and to protect his coreligionists. This is seen in the oath required

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[26] A. P. Dennis, "Lord Baltimore's Struggle with the Jesuits, 1634-1649," takes the position that neither Catholics nor Protestants were responsible for the passage of the Act, but that it was hurried through the Assembly by the influence of the proprietor. Cf. *Annual Report of the American Historical Association for the year 1900* (Washington, 1901), I, 123. A more recent authority says there is no evidence for this view. C. M. Andrews, *The Colonial Period,* II, 311, Footnote ♯2.

[27] Above page 2. Cf. also M. I. J. Griffin, Editor, *American Catholic Historical Researches* (Philadelphia, July, 1904), XXI, 115.

[28] The Act Concerning Religion passed by the Maryland Assembly in 1649 can be found in entirety in Proceedings of the Assembly, 1636-1667, *Maryland Archives,* I, 244-247. A photostat copy of this law, published in 1689, taken in the London office, can be seen in the Rare Book Room, Library of Congress.

[29] The extent of Puritan influence in promulgating this Act is still a matter of disagreement among writers on this period of Maryland History. F. E. Sparks, "Causes of the Maryland Revolution of 1689," *Johns Hopkins University Studies in Historical and Political Science,* Series XIV, Nos. XI-XII, 501, says the Puritans did not enter Maryland until 1649. A more recent scholar attributes the more objectionable features of the Act to the

of the first Protestant governor, William Stone, in 1648,[30] the year before the Act Concerning Religion was passed.

Although there is a difference of opinion concerning the relative influence of Catholicism and Puritan Protestantism in arranging the provisions of the Toleration Act,[31] there is none as to the place the Puritans occupied in the colony for nearly a decade following its passage. In 1650 at least half of the members of the Council were Protestants, and the Assembly contained a majority of them, dominated perhaps by Puritan principles.[32] Conditions favoring such influences in Maryland at this time were augmented by happenings in England. Charles I had been beheaded in 1649 by a victorious Parliament of Puritan leanings. When Green, who was acting governor of Maryland in the absence of Stone, heard this news, he declared at once for Charles II.[33] This induced the Commissioners for the Commonwealth of England to have Maryland included in the list of colonies against which the prohibitory Act of 1650 was aimed;[34] but friendly influences in both Maryland and England

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Puritans. Cf. C. M. Andrews, *The Colonial Period,* II, 310. Another writer on this period says the Puritans had nothing whatever to do with it. Cf. L. H. Latané, "The Early Relations between Maryland and Virginia," *Johns Hopkins University Studies in Historical and Political Science,* Series XIII, Nos. 3 and 4, p. 170.

30 Stone's oath contained the words, "I will not molest any person in the province professing to believe in Jesus Christ and in particular no Roman Catholic." Council Proceedings, 1636-1667. *Maryland Archives,* III, 210.

31 The Act should perhaps be looked upon as a compromise measure between a Catholic proprietor and a Puritan Assembly. The compromise aspect is well presented by Bradley T. Johnson, "The Foundation of Maryland and the Origin of the Act Concerning Religion of April 21, 1649," *Fund Publication No. 18* (Maryland Historical Society, Baltimore, 1883), 141-143.

32 C. M. Andrews, *The Colonial Period,* II, 314.

33 *Maryland Archives,* III, 243-244.

34 This prohibitory Act was a trade act for the reduction of Barbadoes, Bermuda, and Virginia. W. Noel Sainsbury, Editor, *Calendar of State Papers: Colonial Series, 1574-1660* (London, 1860), 343. See also "Lord Balti-

enabled Cecil Calvert to have Maryland struck from the list.[35] The problem was however not to be solved so easily. The Council of State for the Commonwealth of England had already issued commissions for the governing of all the Plantations within the Bay of Chesapeake. This designation undoubtedly included Maryland.[36] Two of the commissioners named to carry out the plan were Richard Bennett, leader of the Puritans at Providence, Maryland, and Baltimore's old enemy, the anti-Catholic, William Claiborne. These two with Edmund Courteis declared the commissions for the governor and council of Maryland null and void and nominated a new council. This action brought about the reduction of the province.[37] Three months later the commissioners for Maryland, agreeing that Governor Stone's deposition was due to some misunderstanding, reinstated him without requiring that he abjure his previous oath to the proprietor. This solution was made pending further knowledge of the "pleasures of the State of England."[38] It served to complicate matters and indirectly abetted Puritan interests. The restored governor soon emphasized, among other things, an oath of fidelity to the pro-

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more's Case," *Maryland Historical Magazine,* IV, 171, and for a more detailed discussion, C. M. Andrews, *The Colonial Period,* II, 314-315.

[35] These influences came from some friends of Parliament whom Baltimore had received into Maryland; London merchants trading there; and a knowledge that the proprietor's lieutenant governor, William Stone, was favorably disposed toward Parliament. J. Langford, "Refutation of Babylon's Fall," C. C. Hall, Editor, *Narratives of Early American History, "Maryland"* (New York, 1910), 256-257. B. C. Steiner, "Maryland Under the Commonwealth," *Johns Hopkins University Studies in Historical and Political Science,* Series XXIX, No. 1, 54.

[36] "Lord Baltimore's Case," C. C. Hall, Editor, *Narratives of Early American History, "Maryland"* (New York, 1910), p. 169. B. C. Steiner, "Maryland Under the Commonwealth, 1649-1658," *Johns Hopkins University Studies in Historical and Political Science, Series* XXIX, No. 1, 54-55.

[37] *Maryland Archives,* III, 271-272. Reduction here means depriving the proprietor of his control in the colony.

[38] *Ibid.,* III, 275.

prietor from many persons who had disregarded some of his rights.[39]

In the emphasis placed on proprietary prerogatives, it was especially the oath that aroused Puritan resentment, since they looked upon conformity to this requirement as a violation of conscience.[40] Allegiance to the Roman Catholic proprietor meant to Puritans in Maryland support of his government whose officers had sworn to uphold the Roman Catholic religion, regarded by Puritans as Antichrist.[41] They addressed protest petitions to Richard Bennett and William Claiborne, who advised them to remain faithful to the Commonwealth and not to be misled by statements that there was any change in the relation which the province, since its recent reduction, sustained to the mother country.[42] The two commissioners on July 15, 1654, published a Declaration in Maryland

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[39] Many persons had taken up lands in Maryland contrary to stipulations which had been laid down by Lord Baltimore regarding patents, rents, and the oath of fidelity to him required of holders of land there. A proclamation dated February 7, 1653, by Governor William Stone, gave assurance that persons who had been disregarding the proprietor's instructions in such matters could qualify as title holders by paying back rents, suing for the patent rights, and taking the oath of fidelity within three months, all of which must be done in the name of the proprietor. *Maryland Archives,* III. 299.

[40] Petitions of the Inhabitants of Severne and Patuxent, 1653 (1654). "Virginia and Maryland." C. C. Hall, Editor, *Narratives of Early American History, "Maryland"* (New York, 1910), 218, 220. The inhabitants of Severne were Puritans who came from Virginia to Maryland at the invitation of Governor Stone. *Ibid.*, 218.

[41] The form of oath required of the governor of Maryland and which had been subscribed to by Governor Stone can be found in full in "Virginia and Maryland," C. C. Hall, Editor, *Narratives of Early American History,* "Maryland," 212-214, and that of a counsellor of the state, 215-216. Both oaths required protection in particular to Roman Catholics. The oath of fidelity to the Lord Proprietor contained no reference to religion whatever. *Ibid.,* 214-215. It was interpreted by the Puritans, however, as supporting the Roman religion. By 1668 the oath of the governor contained a guarantee of protection to all believers in Jesus Christ, but the special clause relating to Roman Catholics was left out. *Maryland Archives,* V, 39-41.

[42] "Virginia and Maryland," C. C. Hall, Editor, *Original Narratives of Early American History, "Maryland,"* p. 221-222.

condemnatory of the administration of Governor William Stone. They stated their attempts for a peaceful solution of matters in the colony had brought "uncivil and uncomely words and expressions" from the governor and Council.[43] Governor Stone five days later resigned.[44] William Fuller, a Puritan and member of a new commission in charge of the province became governor.[45]

William Stone soon attempted to regain his former power. He succeeded in winning the allegiance of two of the four inhabited counties of the colony. The other two, both centers of Puritan influence opposed him. Stone's forces consisted of approximately two hundred fifty men.[46] The opposing forces led by Governor Fuller numbered about one hundred and twenty men, but they won the struggle. This is usually referred to as a Puritan victory. From March 25, 1655 to 1658 they dominated the Maryland government.[47] The proprietor meanwhile continued negotiations with authorities both in England and

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[43] *Ibid.*, 224.

[44] *Ibid.*, 225-226. The resignation was a forced one and in no way settled conditions in the province. Claiborne and Bennett followed at once with an order for settling the government of Maryland. *Ibid.*, 226. This Order placed a commission in charge of the province with instructions to call an Assembly to meet in October. *Maryland Archives,* III, 312-313. Indicative of the place of religion in influencing movements in the colony at this period was the prohibition against Roman Catholics having any part in voting or acting as members in this body. *Ibid.* When it met on October 20, 1654, it showed further the attitude felt toward Catholics by passing an act which deprived them of both civil and religious protection in the colony. *Maryland Archives* I, 340,341. This Assembly also repealed the Toleration Act of 1649. *Ibid.*, 351. To this act of repeal the proprietor never consented. *Ibid.*, III, 334.

[45] C. M. Andrews, *The Colonial Period,* II, 318.

[46] "Leah and Rachel," C. C. Hall, Editor, *Narratives of Early American History, "Maryland,"* p. 304, and Leonard Strong, *Babylon's Fall in Maryland,* p. 7.

[47] *Ibid.*, p. 10. The small forces actually engaged gives this struggle more the nature of a coup d'etat. The term "Puritan" at this time embraced many Independents and Presbyterians and this combination supported the victors. J. W. McIlvain, "Early Presbyterianism in Maryland," *Johns Hopkins University Studies in Historical and Political Science,* VIII, 313-318. Governor Stone was "known to have had decided Presbyterian leanings." *Ibid.*, 314.

the colony and finally succeeded in regaining control of his province, partly, it appears, through the aid given him by the Lord Protector.[48]

In these negotiations religion had a prominent place. In his agreement with the commissioners the proprietor had insisted on a return to his policy of freedom of conscience to all Christians in matters of religion and on the oath of allegiance to himself.[49] Apparently the commissioners gave their consent reluctantly, for the next year a compromise was arranged by which the proprietor agreed that a "promise and engagement" could be substituted in lieu of the oath of fidelity which was not to be pressed on the people.[49a] The compromise of this year restored to Baltimore his province,[50] but his jurisdiction there was not complete. Fendall, whom the proprietor had appointed governor in place of Stone, July 10, 1656,[51] and to whom he had given instructions to reestablish the Act Concerning Religion,[52] proved untrue to proprietary interests in the colony. He was replaced as governor on June 24, 1660 by Philip Calvert,[53] half brother to Cecil Calvert. Even yet the proprietor's interests in his province were not secure, and the newly restored Stuart King of England, Charles II, wrote the governor of Virginia to aid Baltimore in gaining a better control in Maryland.[54]

After the province was restored to the Baltimores in 1658 they were able, until the outbreak of the Revolution

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[48] Oliver Cromwell. N. D. Mereness, *Maryland as a Proprietary Province,* 434.

[49] *Maryland Archives,* III, 333, 334. The oath of fidelity was to have such alterations as were mentioned in the report of the Committee of Trade. *Ibid.*

[49a] *Maryland Archives,* I, 370.

[50] C. M. Andrews, *The Colonial Period,* II, 325.

[51] *Maryland Archives,* III, 331.

[52] *Ibid.,* 325.

[53] *Ibid.,* 391-392.

[54] Charles II to the Governor of Virginia, July 3, 1660. E. B. O'Cal-

in 1689, to direct affairs in the colony largely as they desired. At times they worked contrary to the wishes of both houses of the Assembly. Their assumption of the role of "benevolent despots" makes them largely responsible for the loss of their province in 1689 to the forces of revolution.[55]

Religious matters became a constant concern of the provincial legislators. Just before the Puritan regime had made its final agreements with the proprietor in 1658, an action was taken against Quakers in the colony by which they were required either to conform or leave the province.[56] This was followed the next year, after the province was back in the proprietor's hands, by legislation requiring that they be whipped out of the province.[57] The proprietor in negotiating for the return of his province insisted on the restoration of the Act of Toleration guaranteeing freedom in religious matters to all Christians. Nevertheless, in direct violation of this Act, he required all justices of the peace, constables, jurors, and certain trial witnesses to take oaths under penalty of imprisonment and forfeiture of goods to him-

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laghan, Editor, *Documents Relative to the Colonial History of the State of New York* (Albany, 1858), II, 118.

[55] The Lower House of the Maryland Assembly was especially subservient to the proprietor during this period and can be seen expressing a recognition of his value to the province. Assembly Proceedings, 1666-1676, *Maryland Archives,* II, 36. They also submitted to a dictum from the Upper House informing them that their privileges depended on the Charter, and the Lower House was not to consider itself as in any way resembling the House of Commons. *Ibid.,* 178ff. When it made bold to inquire why only two burgesses were sent up by writ from several counties where four had been elected, the Upper House informed its members that this was done to save expense. The Lower House then expressed its gratitude to the Upper House. *Ibid.,* 240,241.

[56] *Maryland Archives,* III, 352. Some of the more ardent Quakers were not satisfied with the engagement which the proprietor had agreed in 1658 could be substituted for the oath of fidelity. See above page 12. It was against these that the new laws were primarily directed. N. D. Mereness, *Maryland as a Proprietary Province,* p. 435.

[57] *Maryland Archives,* III, 362.

self.[58] This action further handicapped the Quakers.

Opposition to the relief of those opposed to oath taking centered in the Upper House. Through a petition to this body the Quakers set forth at length their attitude on the matter and drew attention to the inconveniences occasioned them by the law requiring an oath, especially as it pertained to the administration of testamentary cases.[59] They asked for relief. Nothing permanent in the way of legislation was accomplished. After years of bickering between the two houses of the Assembly,[60] the matter was again before the Lower House in 1681. At this time an Act to relieve Quakers from oath taking was again passed.[61] It was sent to the Upper House, which very quickly advised the Lower House of its dissent.[62] By this time other matters, both religious and political, crowded for solution, and Quakers had to wait many years before relief was secured.

Shortly after the restoration of proprietary powers there were indications of a movement in the direction of an alliance between the state and the Anglican church. Unlike its neighbor, Virginia, Maryland had never experienced that close association of religious and secular affairs in local administration which was characteristic of England.[63] On April 18, 1666, however, a Mr. Burle moved in the Lower House of the Assembly

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[58] *Ibid.*, I, 410, 411.

[58] *Maryland Archives*, II, 355-356.

[60] How hard it was to secure legislation in behalf of Quakers can be seen by following the attempts made to do so in the Maryland General Assembly from 1662 to 1681. Cf. *Maryland Archives*, I, 411, 436; II, 356, 424, 427, 444-445, 447-448, 450, 455, 456, 492.

[61] *Ibid.*, VII, 174.

[62] *Ibid.*, 184. The governor of Maryland during the period of 1658 could not give his consent to any law concerning religion. The proprietor must do this. F. E. Sparks, "Causes of the Maryland Revolution of 1689," *Johns Hopkins University Studies in Historical and Political Science*, XIV. Nos. 11 and 12, 483.

[63] *Ibid.*, 494.

that ministers should be settled in every county of the province; and the clerk "reviled him" for the suggestion. The matter was dropped when the clerk asked that the offense be remitted.[64] Approximately three years later Charles Nicholett, an Anglican clergyman, sometimes referred to as a Puritan or Presbyterian, preached a sermon to the Lower House of the Assembly on behalf of the poor for whom he asked consideration. In this sermon he referred to the House of Commons and the good work it had done. He also said that if the Maryland Assembly did not make laws agreeable to their conscience, they were not exercising liberty and "had better be without it." The Maryland Assembly called his words seditious, and he faced a censure for his act. Three days later he apologized and said he wanted only to stir the Lower House to do its duty. He acknowledged his error for meddling and was let off with a fine.[65]

In 1671 an Act was read before the Upper House for the erection of a school or college which was referred to the Lower House for consideration. The Lower House expressed a willingness to pass the Act, provided the Assembly could choose the site for it and the teachers be required to qualify according to the Church of England. As an alternative to the latter they suggested two teachers, one Catholic and one Protestant; the Protestants to have the right to choose theirs.[66]

Another move in the same direction grew out of the demand of the proprietor on June 8, 1676, that all members on entrance to the Assembly take an oath of fidelity to him.[67] The proprietor had in this demand no thought

[64] The clerk called Burle a "factious fellow." *Maryland Archives,* II, 86.

[65] *Ibid.,* II, 159-163. For Nicholett as a Puritan or Presbyterian, see McIlvain, "Early Presbyterianism in Maryland," *Johns Hopkins University Studies in Historical and Political Science,* VIII, 339, 344. Briggs, *American Presbyterianism: Its Origin and Early History,* p. 113.

[66] *Maryland Archives,* II, 262-264.

[67] *Ibid.,* 508.

of any religious establishment, but his action revived at once interest in an old fear that an oath of fidelity to a Catholic proprietor would exalt Catholicism. An earlier demand of this nature had stirred rebellion in the province,[68] and the year of its revival in 1676 witnessed the advent of a "Petition entitled Complaint from Heaven with a Hue and Cry and a Petition Out of Virginia and Maryland." It was strongly anti-Catholic in sentiment, opposed the oath of fidelity to the proprietor, and expressed a desire for Protestant governors. It went further and requested that Protestant ministers be supplied, and that free school and glebe land be erected and established in every county, "notwithstanding liberty of conscience."[69]

This petition was not the only source of agitation during this period which tended in the direction of an Anglican Church establishment in Maryland. On May 25, 1676, John Yeo, a clergyman, wrote the Archbishop of Canterbury informing him of the lack of spirituality in the province. He apparently attributed this condition to the small number of Anglican ministers and the absence of proper provision for the support of the three already there.[70] The Archbishop sent the letter to the Lord Bishop of London, August 2, 1676.[71] The Committee of Trade and Plantations in England however, had already begun to make inquiry regarding religious conditions in Maryland.[72] They requested information concerning

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[68] The Puritan rebellion of 1654. *Ibid.*, V, 139.

[69] The Petition can be found in *Ibid.*, 134-149. Their desire for Protestant governors was undoubtedly due to their fear, as they expressed it, of the connivance of the French with Maryland Papists. Together they would stir up the Indians. *Ibid.*, 147-148.

[70] John Yeo to Archbishop, May 25, 1676, *Ibid.*, V, 130-131.

[71] *Ibid.*, 132.

[72] The Committee of Trade and Plantations was acting for the Council of Trade and Foreign Plantations. The King extinguished the Council and placed their business under a Committee of the Privy Council for matters relating to Trade and Foreign Plantations. *Ibid.*, 127.

the various faiths found there and the provision made for the maintenance of ministers.[73] In response to these inquiries Baltimore spoke of the preponderance of dissenters over both Church of England members and Roman Catholics and expressed opposition to the establishment of the Church of England.[74] The churches, he said, were all supported by voluntary contributions.[75]

The proprietor's opposition to any form of church establishment in his province may have come from the fear of what such an arrangement might mean to his coreligionists there, since anti-Catholic sentiment was again arising. In 1679 the provincial government was agitated by rumors of a Catholic plot to kill Protestants in which Colonel Henry Darnall, a member of the Council, was involved.[76] Approximately two years later, information was given the clerk that the forty families of Irish about to settle on the Susquehanna River, would prove to be forty thousand in number and that their purpose was to cut Protestant throats.[77] Other reports of a similar nature claimed the attention of the Council at this time,[78] and accusations were heard that the pro-

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[73] Committee of the Privy Council to Baltimore, April 10, 1676. *Ibid.*, 130. Another letter was sent to Baltimore under date of July 19, 1677, asking for the number of ministers of the Church of England and of dissenters in the colony. This letter also speaks of the dissolute lives of the inhabitants there. *Ibid.*, 253.

[74] *Ibid.*, 133. In the proprietor's report of March 26, 1678, he answers questions raised regarding Maryland and gives his reason for toleration in the province. *Ibid.*, 267-268. If Baltimore's statement of the reasons for Maryland toleration is correct, it minimizes the importance of Puritan influences in the colony in the Toleration Act of 1649. See above, page 7, Footnote #29.

[75] *Ibid.*, 133.

[76] Proceedings of the Council, 1671-1681. *Maryland Archives*, XV, 269-273.

[77] May 6, 1681. *Ibid.*, 348. Two reports that the proprietor was stirring up the Indians for the same purpose reached the Council on July 14 and 20, 1681. *Ibid.*, 387, 393.

[78] August 7 and 9, 1681. *Ibid.*, 406, 408, 420

prietor was favoring Catholics in his province at the expense of Protestants.[79]

It was now clearly up to the proprietor to defend himself. On December 27, 1681, he sent to his colonial government a list of officers there showing their religion.[80] He followed this the next year by presenting a declaration of his fairness signed by twenty-five officials who were all members of the Church of England.[81] Though the proprietor had cleared himself of the charge of favoring Catholics in his colony, he was unable to stem the rising tide against them.

The period in which proprietary prerogatives were the dominant factor in the administration ended with the Glorious Revolution of 1689. While this revolution as it applied to Maryland resulted from a combination of factors, it must be conceded that religion was of paramount importance in the issues that brought it about. Unmindful of the part which the oath of allegiance had played in the revolutionary events of 1654[82] and in stirring up religious controversy in 1676,[83] the proprietor again demanded in 1684 that an oath of fidelity to his person be taken by every member of the Maryland Assembly.[84] When the Assembly met in November, 1688, the Council again reiterated his demand.[85] With the colony bristling with anti-Catholic sentiment, it was no time for such a requirement to be made by a Catholic proprietor, since allegiance to him was interpreted as support, not only of

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[79] Letter from the Council to Lord Baltimore, October 12, 1681. *Maryland Archives,* V, 300.

[80] *Ibid.,* 309-310.

[81] May 13, 1682. *Ibid.,* 353-355. These signers were all members of the Assembly, and it seems probable that he obtained their signatures through a dissolution of the Assembly. Cf. Assembly Proceedings, 1678-1683. *Maryland Archives,* VII, 314.

[82] Above page 16. Footnote ♯ 68.

[83] Above page 16. Footnote ♯ 69.

[84] *Maryland Archives,* XIII, 155.

[85] *Ibid.,* VIII, 62.

his government, but of the religion which he had espoused.[86]

The part religion was playing in the movements leading to the 1689 revolution in Maryland is further shown in the arming of the Protestants in the province for the defense of their religion. In April, 1689, an association was formed in the colony for this purpose;[87] and a Declaration of July 25 sets forth the reasons. This statement is filled with anti-Catholic sentiments,[88] as are the Articles of Surrender given in a Declaration of the Inhabitants of Maryland just after they had overthrown the proprietary government on August 1, 1689.[89] In like strain is the Address of the Protestant Subjects in Maryland to the new King William in which they refer to the recent opposition to the Protestant religion, as well as their defense of it.[90] Three days later the Assembly addressed

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[86] See above page 10. It is also obvious in the Lower House of the Maryland Assembly that at this time religion was intermingled with political issues. The Lower House, for instance, offered to comply with the demand for taking the oath if it could be shown that it had back of it any Act of the Assembly. Proceedings of the Assembly, 1684-1692. *Maryland Archives,* XIII, 157. The Upper House did not feel called upon to explain but commanded the Lower House by authority of the proprietor to attend the sessions without delay. While not admitting the jurisdiction of the Upper House, the Lower House expressed willingness to attend when commanded by the proprietor or his governor. They were then informed by the Upper House that the demand for the oath came from the deputy governor of the province and that no business could be done until all members had taken it. The Lower House responded that such a procedure was unparliamentary and that they could do no better regarding the oath of fidelity than had already been done They were immediately dissolved, whereupon every member took the oath except a Quaker who was excused. *Ibid.,* 158-163. It should be stated that all members of the Upper House took the oath as requested at their first meeting.

[87] F. E. Sparks, "Causes of the Maryland Revolution of 1689," *Johns Hopkins University Studies in Historical and Political Science,* XIV, Nos. 11, 12, p. 572.

[88] *Maryland Archives,* VIII, 101-107.

[89] *Ibid.,* 107. F. E. Sparks, "Causes of the Maryland Revolution of 1689," *Johns Hopkins University Studies in Historical and Political Science,* Series XIV, Nos. 11, 12, p. 572.

[90] August 25,1689. *Maryland Archives,* XIII, 232. See also their Address to the King on September 4, 1689. *Ibid.,* 239-240.

a letter to the adjacent colonies in which they spoke of a design of Indians and popish influences against Protestants tending to destroy them.[91] No matter how exaggerated were the reports of the dangers from Catholics, it is nevertheless true that a belief was current in 1689 that Maryland "was to be given over to Roman Catholicism,"[92] and the resulting revolution marks the end of one era and the beginning of another in the religious history of the colony.

In spite of proprietary opposition the movement toward a union of church and state was greatly accelerated after the Revolution of 1689. When the province passed to the control of the Crown, efforts were soon made for the establishment of the Anglican religion. The first Act for the establishment of the Protestant religion in 1692[93] was rejected by the Lords of Trade because of a clause giving Maryland all the privileges of Magna Carta.[94] It was followed in 1694 by a supplementary Act.[95] In 1695 these Acts were superseded by a third which, it appears, the Crown disallowed.[96] The king objected to a clause declaring all the laws of England to be in force in Maryland.[97] In 1696 came a fourth Act for the establishment

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[91] August 28, 1689. *Ibid.*, 233.

[92] C. M. Andrews, *The Colonial Period*, II, 372. A member of the proprietary family in 1754 clearly stated his belief that the province of Maryland was taken by the crown in 1692 because the then proprietary family were Roman Catholics. Calvert to Sharpe, January 5, 1754. *Maryland Archives*, VI, 25. The support of William and Mary was partly induced by the fear of Papists in the Maryland colony. *Magazine of American History*, I, 119.

[93] Cf. *Maryland Archives*, XIII, 280, 374, 425-430. The Lord Bishop of London had been asked as early as 1681 to prepare a draft of a law "for the settlement of the Protestant Religion," at the time of Penn's patent. H. Hastings, *Ecclesiastical Records of the State of New York* (Albany, 1901), II, 759.

[94] B. C. Steiner, "Reverend Thomas Bray: His Life and Writings," *Fund Publications* # 37 (M. H. S. Baltimore, 1901), p. 183.

[95] N. D. Mereness, *Maryland as a Proprietary Province*, pp. 437-438.

[96] *Ibid.*, p. 438.

[97] B. C. Steiner, *Reverend Thomas Bray: His Life and Writings*, p. 184.

of the Protestant religion, but the king in Council declared it null and void on November 30, 1699.[98] Still another for the same purpose was carried through the Maryland Assembly April 26, 1700[99] largely by the efforts of Thomas Bray, who had but recently been appointed commissary for the province.[100] The last one was superseded by an "Act for the Establishment of Religious Worship in this Province [Maryland] According to the Church of England and for the Maintenance of Ministers."[101] This remained in force with few amendments throughout the colonial period of the province.[102]

The Act failed to create an Anglican establishment in Maryland comparable in prestige to that of Virginia; and it occasioned much religious controversy for almost three quarters of a century. A hasty glance at its provisions shows how closely it linked the church with the state. It continued the forty-pound poll[103] found in the Act of 1692[104] as maintenance for Anglican ministers, in spite of opposition of Papists and Quakers which was manifested as early as 1698.[105] To avail himself of this support a min-

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98 *Maryand Archives,* XXIV, 4-5. The king in not allowing this Act alleged that some of the statements in it were of another "nature than that set forth in the title." N. D. Mereness, *Maryland as a Proprietary Province,* p. 438.

99 *Maryland Archives,* XXIV, 273.

100 N. D. Mereness, *Maryland as a Proprietary Province,* p. 439. Mereness says that this Act also was not favored by the Crown, but it appears from the *Maryland Archives,* XXIV, 273, that it was repealed by the Act of March 16, 1701/2, indicating that it was in force until that time. The Commissary was the representative in the colony of the Bishop of London.

101 March 16, 1701/2, Assembly Proceedings, 1700-1704. *Ibid.,* XXIV, 265-273.

102 N. D. Mereness, *Maryland as a Proprietary Province,* p. 439.

103 This statement regarding the "forty-pound poll" and all subsequent ones have reference to the yearly assessment of forty pounds of tobacco on every taxable person in the parish for the support of ministers of the Established Church in Maryland. It was collected by the sheriff in the same manner as any other county levy. Assembly Proceedings, 1700-1704. *Maryland Archives,* XXIV, 265-266.

104 *Ibid.,* XIII, 429.

105 *Ibid.,* XXV, 583.

ister must have no other benefice.[106] He was required to keep a clerk at an annual expense of one thousand pounds of tobacco taken from the forty pound per poll allotment.[107] The Act laid down a table of Marriages any violation of which by any minister, priest, or magistrate, carried a fine of five thousand pounds of tobacco.[108] Arrangements were made to provide vestries and church wardens who together carried the main responsibilities of the church. The vestries must be composed of at least six persons chosen by and from the freeholders of the parish who paid public taxes and charges. They must take the usual oath appointed by Parliament[109] besides one covering their duties as vestrymen. They must also subscribe to the Test and Association Acts.[110] A meeting of the freeholders of the parish held annually on Easter Monday designated two vestrymen to be removed, and elected their successors. The minister settled in the parish was a member of the vestry and its principal. Vestrymen and freeholders of the parish meeting on Easter Monday could appoint two church wardens who must serve or suffer a fine of one thousand pounds of tobacco. The vestrymen must meet at least once a month but could be called oftener by the principal if occasion demanded it. Failure to appear at a meeting, a member, if without excuse, could be subjected by his

106 *Ibid.*, XXIV, 265, 266. There were exceptions. A minister could hold two adjacent livings, but only by mutual consent of both parish vestries. *Ibid.*, 271.

107 *Ibid.*, 266.

108 For instance, no marriage could be performed in any parish by a Dissenting minister, a priest, or a magistrate, provided an Anglican clergyman resided there. The same fine applied to the contracting parties who disregarded the stipulations of the Marriage Table. The ministerial fee for marrying "was 5 shillings sterling and no more." *Ibid.*

109 They were not required to take the oath of Allegiance and Supremacy to the King. All oaths could be administered by a Justice of the Peace.

110 The Test Act was of course directed against Roman Catholics. The Association Act was primarily directed against all dissenters and emphasized the importance of rites of the Church of England.

colleagues to a fine of one hundred pounds of tobacco. The vestry was required to keep an account of all matters pertaining to the parish church and a record of all marriages, births, and burials.[111] The Register was open to interested parties, and anyone thinking himself injured had redress through the governor and council, who rendered a judgment. This judgment was subject to appeal in His Majesty's courts. The Act allowed bona fide Quakers, shown by attendance at their own assemblies, to make an affirmation in lieu of an oath, and rights of dissenters were recognized.[112]

Jonathan Boucher, in expressing the Anglican concept, was not far wrong when he inferred that the aim of government "may be the advancement of God's honor."[113] The Established Anglican church in Maryland, as in Virginia, was certainly looked upon as an arm of government. Legislation passed subsequent to the Establishing Act of 1702 enjoined the clergy to pray for the proprietor, the governor, and the Council at every church service.[114] Rectors were required to have read publicly the laws "concerning swearing, drunkenness and violation of the Sabbath Day by working, fishing, or gunning."[115] The vestries sometimes also acted as executive agents in county courts;[116] and, after 1715, any person suspecting that any hogshead

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111 These vital statistics pertaining to Negroes and mulattoes were excepted. The one chosen as Register must subscribe to the Oath of Test and Association.

112 The facts presented here somewhat in detail have been drawn from the Act itself which can be found in the *Maryland Archives,* XXIV, 265-273. For the Act relieving Quakers from the required oath, Cf. Thomas Bacon, *Maryland Laws,* 1701/2 (Annapolis, 1765), Chapter I, Article XXI.

113 R. W. Marshall, "What Jonathan Boucher Preached," *Virginia Magazine of History and Biography* (January 1938), XLVI, 11.

114 Act of 1733. When the proprietor was in the province the prayers for the governor were to be omitted. *Maryland Archives,* XXVIII, 30.

115 Gambrall, *Church Life in Colonial Maryland,* p. 33.

116 *Ibid.,* 72.

of tobacco was not according to standard could call any vestryman or church warden to help in entering any warehouse or vessel to ascertain the facts.[117]

Within a few decades the church of England far outstripped in growth all other church organizations in the province; and by 1709 its membership represented a majority of the province's inhabitants. One of its chief problems was the matter of its own administration touching the lives of its clergymen. Irregularities among the Anglican ministers became so obvious that, within three years after the Act was passed, there was widespread support for the establishment of a laymen's court to enforce discipline. It was to be composed of the governor of the province and three laymen. Though the bill establishing such a court passed both houses of the General Assembly, it did not receive the governor's approval.[118]

The lack of any authority, either in state or church, to discipline the clergy in the province was productive of most unhappy results. Even Commissary Bray, inspired by the work of that energetic churchman, James Blair in Virginia, could accomplish little. His suggestion that the commissary have the right of induction to church livings, leaving to the government only that of presentation, was rejected early in the eighteenth century.[119] After Seymour, who was appointed to the governorship in 1704, refused to permit a commissary in the province, prospects were far from bright. Those in England re-

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[117] Account of Revenue Laws, 1716. *Maryland State Papers,* Portfolio ♯2. M. H. S. Doc. ♯2, "An Act Ascertaining the Gage and Tax of Tobacco" (Hall of Records, Annapolis).

[118] F. L. Hawks, *Contributions to the Ecclesiastical History of the United States,* II, 128-131. Hereafter referred to as *Contributions to Ecclesiastical History.*

[119] William S. Perry, *Historical Collections Relating to the American Colonial Church* (Printed for the Subscribers, 1878), IV, 58-59. F. L. Hawks, *Contributions to Ecclesiastical History,* II, 122. Dr Bray, it will be remembered, had been appointed the first Commissary for Maryland. Above p. 21, and Footnote ♯100.

sponsible for supplying Anglican Ministers accentuated the difficulties by giving little attention to the character of the men sent to Maryland.[120] As a result, the unfortunate conditions found among the clergy were destined to influence religious as well as secular trends in the colony until the outbreak of the American Revolution.

In 1714, when Hart became governor, he found the scandalous lives of ministers were aiding the activities of Jesuits. Turning to the Bishop of London for aid, he recommended the appointment of two commissaries for Maryland.[121] They were promptly named, but their failure to work well together tended to discredit the policy of increasing episcopal authority within the church.[122]

Two cases where clergymen apparently needed discipline will illustrate the nature of some of the problems confronting the Established Church in the province. In 1715, while there was still no commissary in the colony, six vestrymen of the parish of St. Paul in Baltimore County petitioned the governor to remove their rector, a Reverend William Tibbs, because of his conduct. His example, according to the petition, caused many of his flock to turn to drunkenness and profanation of the Lord's Day; for he was accused of being a common drunkard. He would, so they said, be "drunk on his taking the sacrament before it can be supposed that the bread and wine is digested in his stomach."[123] Tibbs laid his defense before the governor and was supported by the clerk of the vestry and one of the church wardens, James Rider, too illiterate to write his name. One of his accusers, Thomas Todd, wanted to know, (at least so Tibbs maintained in his defense) by what authority the governor, council, and vestrymen, gave

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120 *Ibid.*, 134-135.

121 *Ibid.*, 150. He also reported many worthy clergy there.

122 N. D. Mereness, *Maryland as a Proprietary Province*, pp. 443, 446.

123 *Fulham Palace MSS*, Maryland Transcripts, No. 133. (Division of Transcripts; Library of Congress, Washington, D. C.).

away the parish tobacco to the use of the minister, and by what power Tibbs was given his right to preach.[124] Todd threatened to oust the minister from his living. Other accusations were also made. The governor commanded that the whole matter be considered by a body of ministers consisting of the accused rector, William Tibbs, Thomas Cockshutt, rector of All Saints Parish in Calvert County, James Colbatch, rector of All Hallows Parish in Anne Arundel County, and Jacob Henderson, rector of St. Paul's Parish in Prince George's County. Their findings submitted to Governor Hart are both interesting and informative.

They recommended that inasmuch as the petition was only general, it contained insufficient ground upon which to base a censure. The six vestrymen were shown to be very assuming and irregular, since the clerk and a warden supported the minister. They were not fit to judge of Tibb's qualifications; nor had they the powers to regulate misdemeanors, but only to admonish, with the minister and church wardens, people suspected of immoralities. The four examining clergymen pointed out that Tibb's accusers took no notice of the misdemeanors of Thomas Todd, who in his accusation against the rector, manifested little regard for authority, civil or sacred. Todd, they asserted, even questioned the authority of the governor and Council, and undervalued the governor's right of patronage. "We look upon these to be notorious crimes and pernicious consequence both to the church and government." The vestry was admonished to keep themselves within their just limits and "behave themselves modestly." They were also to consider that unworthiness of the ministers "hinders not ye effect of the sacraments, and to be content under their circumstances till Providence orders things to their better satisfaction." The rector, William Tibbs, got off with an

[124] *Ibid.*

admonition to remedy his life and reconcile himself to his people.[125] There is no evidence that he carried out this instruction.[126].

Undoubtedly the failure of the governor through a committee of ministers to discipline an unworthy rector filled the minds of the better element among them with many misgivings. We have already noted the attempt to institute a laymen's court to regulate the actions of the clergy.[127] Fear that discipline would slip from church control was never absent from the minds of the advocates of episcopacy. Reverend Jacob Henderson, who had officiated as one of the four chosen to study the accusations against William Tibbs was soon to learn, as commissary, how difficult it was under the Maryland system to discipline one in holy orders.

In 1717 Henderson held a visitation of the clergy of the Western shore. One of his official duties at such meetings was to check the credentials of all ministers to see that they conformed to the standards of the Anglican Church. One, Henry Hall, rector of the St. James Parish in Anne Arundel County, had failed to bring his credentials with him. He agreed to present them in the evening. He did so and Commissary Henderson handed them to his register for safe keeping, intending to examine them at his leisure. The Reverend Henry Hall demanded that they be returned to him that very night and secured a warrant from the Governor. Henderson ordered Hall prosecuted for contempt of the Bishop of London. But Governor Hart

[125] The petition against William Tibbs, rector of St. Paul's Parish in Baltimore County, to Governor Hart is dated February 15, 1715. The details of the six vestrymen's case against their minister can be found in *Fulham Palace MSS*, Maryland Transcripts, No. 133, (Division of Manuscripts; Library of Congress, Washington, D. C.).

[126] Jacob Henderson to the Bishop, March 13, 1731. Perry, *Historical Collections Relating to the American Colonial Church*, IV, (Md), 302. Hereafter referred to as *Historical Collections*.

[127] Above page 24.

complained to the Bishop and the latter failed to support his commissary. Episcopal jurisdiction was certainly not complete in Maryland and failed in its first real test to curb a clergyman guilty of at least a spirit of insubordination.[128] The failure was partly due to the emphasis Henderson had placed upon his commmission. His tendency to magnify his office as commissary caused some of the clergy to fear that too much episcopal authority would drive people from the Church of England to the Jesuits and Quakers.[129] Governor Hart stood for ecclesiastical jurisdiction and some asserted that the tendency of the Catholics to increase in numbers was the result not so much of ecclesiastical machinery as of the scandalous lives of the ministers.[130] Other causes of complaint sprang from the fact that many of the clergy were from Scotland and as such were looked upon as tainted by Presbyterianism.[131] These divergent views among friends of the Anglican Church were not without significance, as will be later seen.

The Maryland clergy on the whole felt that the governor was friendly to them. They, however, wanted a chance to be heard on any legislation pertaining to ecclesiastical matters before it was finally passed. Sensing a need for some influence to be brought to bear on the governor to assure them this privilege, they wrote the Bishop of London ask-

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[128] Details of the relations of the clergy of Maryland and the Commissaries can be read in Synodalia, VIII, IX, and X, 60-76 (Division of Manuscripts; Library of Congress.)

[129] Christopher Wilkinson to the Bishop of London, May 26, 1718. William S. Perry, *Historical Collections,* IV, 106-107.

[130] Maryland Clergymen to Secretary of the S. P. G., 1716. F. L. Hawks, *Contributions to Ecclesiastical History,* II, 149.

[131] It was stated by Wilkinson, one of the commissaries of Maryland, that vacant churches better remain so than be filled with Scotch University men because of this fact. Wilkinson to the Bishop of London, May 26, 1718. William S. Perry, *Historical Collections,* IV, 108. A Political element is seen also, since the Scotch Episcopate was still adhering to the house of Stuart and because of this was not owned by the English hierarchy. F. L. Hawks, *Contributions to Ecclesiastical History,* II, 157.

ing him to intercede with the proprietor in their behalf.[132] The clergy felt that in a triumvirate consisting of themselves, a proprietor who was no longer a Catholic, and a governor who was sympathetic, they possessed sufficient strength to withstand all opposition. Their hopes were dashed. The Bishop of London was not popular in the Maryland province, since the people felt he was using the church to obtain information regarding their private lives as well as those of the clergy in general.[133] Futhermore, within a few years he was at variance with the proprietor. To complicate further the situation, fear of the Catholic menace was again aroused.[134] The proprietor himself was accused of favoring them.[135] A suggestion was made that he be deprived of his province and that it be turned over to the governor, to whom the solution of the problem should be left. The clergy on the whole were not concerned in this, although they were strong supporters of Governor Hart.[136]

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132 Maryland Clergy to the Bishop of London, October 25, 1717. William S. Perry, *Historical Collections*, IV, 91.

133 Articles of Inquiry sent out by the Bishop of London required church wardens to make oath as to the lives of all persons in the parish including their offenses. F. L. Hawks, *Contributions to Ecclesiastical History*, II, 155-156. William S. Perry, *Historical Collections*, IV, 96-99.

134 Address of the Commissaries and Clergy of Maryland. *Ibid.*, 104. In 1715 and 1717 further attempts to check Irish Papists from coming into the colony were made. Council Proceedings, 1761-1770, *Maryland Archives*, XXXII, 26. A test act was also imposed. Thomas Bacon, *Maryland Laws* 1717 (Annapolis, 1765), Chapter X, Sec. II.

135 The proprietor felt it necessary at this time to make an open declaration of his loyalty to the Church of England. Lord Baltimore to the Bishop of London, March 23, 1718. William S. Perry, *Historical Collections*, IV, 99.

136 Address of Commissaries and Clergy of Maryland. *Ibid.*, 104. Cf. also 111. The governor shared the fear of Catholics and answered the writers of the address of his hope that effectual means would be taken to curb the evil. Governor Hart's Speech to the Clergy of Maryland, April 25, 1718. *Ibid.*, 102. See also 105. The severe laws passed against Catholics under Hart's administration remained in force until the American Revolution. M. I. J. Griffin, Editor, *American Catholic Historical Researches* (Philadelphia, April, 1902), XIX, 59. Mr. Hall, Rector of St. James, tried to get the Maryland clergy to join in a petition to take the province from the proprietor and give it to the governor. It is of interest to note that Henderson,

It merely indicates the lack of any concerted course of action on the part of those opposed to lay interference in church affairs. Governor Hart's favorable attitude toward the Established Church was known, and the suggestion undoubtedly sprang from a desire to keep church affairs as far as possible under ecclesiastical jurisdiction.[137]

By 1724 Christopher Wilkinson stated, and a year later Governor Calvert agreed with him, that the opinion of the Lower House regarding the evil character of Maryland clergymen was exaggerated.[138] This did not, however, deter these legislators in their efforts to find some means of regulating the lives of the ministers.[139] In 1725 came a renewed suggestion for a laymen's spiritual court, sponsored this time by Thomas Bordley, a leading lawyer of the colony, son of an Anglican clergyman, and one time Attorney General of the province.[140] This court was not intended merely for clerical discipline, but seemed to spring from a political motive in the mind of the originator. Bordley is said to have been disaffected toward the home government, and accordingly hated the clergy.[141] The latter protested, and the Lower House did not press for the plan.[142] Three years later they resorted to what was to become their favorite weapon, that of curtailing the income of ministers. At this time they passed an Act which reduced the forty-pound

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one of the commissaries for the province of Maryland, said there was at this time no danger in the least from Papists. Henderson to Bishop of London, June 17,1718. William S. Perry, *Historical Collections*, IV, 111.

137 Clergy's Message to the Governor and General Assembly (1724). *Ibid.*, 247-248.

138 Christopher Wilkinson to Lord Bishop of London, November 20, 1724. *Ibid.*, 246-247. Calvert to Lord Bishop, June 22, 1725. *Ibid.*, 249.

139 Cf. Statement by Lower Assembly at this time. *Ibid.*, 248-249.

140 George L. Sioussat, "Economics and Politics in Maryland," *Johns Hopkins University Studies in Historical and Political Science*, XXI (Baltimore, June-July, 1903), 288.

141 F. L. Hawks, *Contributions to Ecclesiastical History*, II, 176-180.

142 N. D. Mereness, *Maryland as a Proprietary Province*, p. 447.

poll stipend of clergymen of the Established Church by one-fourth.[143] In the struggle that ensued, Daniel Dulany, a leading lawyer of the province, stood with Thomas Bordley as a champion of the cause of the people. Jacob Henderson, went to England, where he successfully opposed the measure and returned to the province in 1730 as sole commissary.[144] The struggle had aroused a bitter feeling between the clergy and laity,[145] which permeated provincial politics until after the American Revolution.

When the proprietor refused his consent to the law of October, 1728, depriving the clergy of one-fourth of their income,[146] he at once pledged them his protection.[147] He sent instruction to Leonard Calvert, lieutenant governor of Maryland, that on no account should the latter assent to an act of the Assembly in the future which would in any way alter or diminish the provision already made for clerical support.[148] His lack of strict adherence to this policy is hard to explain in the light of the legislation which followed immediately. Sponsored by both governor and Lower House, an inspection law was passed which provided that one-fourth of the forty-pound poll due the clergy could be paid in wheat, oats, barley, or Indian corn.[149] To this law the proprietor assented, [150] notwithstanding the protests of the clergy.[151] The conflict was not confined to

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143 *Ibid.*, 446-447:

144 *Ibid.*, p. 448. F. L. Hawks, *Contributions to Ecclesiastical History*, II, 199-204.

145 N. D. Mereness, *Maryland as a Proprietary Province*, p. 448.

146 *Maryland Archives*, XXV, 519-521. F. L. Hawks, *Contributions to Ecclesiastical History*, II, 202, 208.

147 Baltimore to the Maryland Clergy, January 30, 1729-30. William S. Perry, *Historical Collections*, IV, 282.

148 *Maryland Archives*, XXV, 520.

149 F. L. Hawks, *Contributions to Ecclesiastical History*, II, 208, 214.

150 *Ibid.*

151 William S. Perry, *Historical Collections*, IV, 284-287.

the clergy and laity, but soon involved the whole province. Petitions were sent by the clergy, led by Reverends Henderson and Wilkinson, to the Society for the Propagation of the Gospel in Foreign Parts, to the Bishop of London and to the King.[153] The agitation continued with more or less intensity until the outbreak of the American Revolution. The immediate result was to encourage the Maryland legislature in its efforts to direct affairs of the Established Church, as is shown in a new limitation of power placed on the vestries. The Council at once advised them of their lack of power even to appoint places where churches or chapels could be erected without first "making due application."[154]

There is no recorded evidence that this new law, allowing one-fourth of the forty-pound poll of tobacco to be paid in grain, materially effected the income of the Maryland clergy. The question involved was more one of lay interference in affairs of the church. The troubles of the establishment were in part due to a lack of any concerted policy among those responsible for church administration in the province. In 1715, when Maryland was restored to the proprietor, he was again given ecclesiastical power.[155] Very shortly he was having trouble with the Bishop of London regarding his rights, as he maintained, of appointing, presenting, and inducting

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[152] F. L. Hawks, *Contributions to Ecclesiastical History*, II, 211.

[153] Perry, *Historical Collections*, IV, 262-268. On November 24, 1728, one was sent to the proprietor. *Ibid.*, 266, 282.

[154] Proceedings of the Council, 1698-1731. Action of May 23, 1730. *Maryland Archives*, XXV, 531.

[155] F. E. Sparks, "The Causes of the Maryland Revolution of 1689," *Johns Hopkins University Studies in Historical and Political Science*, Series XIV, Nos. XI-XII, 498, Footnote 1. After 1715 the proprietor's powers were restored, due to his acceptance of Protestantism. Calvert to Sharpe, January 5, 1754. *Maryland Archives*, VI, 25. His change of faith was due to the urging of his father, who saw this a necessity in order to get back the province F. L. Hawks, *Contributions to Ecclesiastical History*, II, 144-145.

ministers.[156] The Bishop did not press his side of the argument, which left Commissary Henderson without any authority recognized in Maryland. It must be remembered that the Commissary's original commission had been issued during the reign of George I by Bishop Gibson as diocesan of the colonies. No such commission ever reached the Maryland commissary from the Bishop of London under George II, and Henderson found himself unable to discipline the most flagrant cases of clerical misconduct.[157] He resigned in 1734 and from then on there was no episcopal jurisdiction whatever in the province.[158]

Morals among the clergy did not improve; and Henderson was fully aware of certain deplorable habits among them. In 1730, the year he was made sole commissary for Maryland, in speeches to the clergy on both the eastern and western shores of the province, he pointed out the danger to the Christian faith from the increase of rationalists, deists, and libertines in the colony.[159] That such a condition was fostered by the evil lives of the clergymen was the opinion of ministers of long standing in the community, as well as others.[160] A case where the profligate life of a minister drove many of his members to the Papists and Presbyterians, and of one who for forty years remained in St. Paul's Parish, "drinking, swearing, cursing, fighting, and quarreling," were cited by Henderson as ex-

156 N. D. Mereness, *Maryland as a Proprietary Province*, 450. He resented interference of the Bishop in all matters except ordination as being an encroachment on his authority. William White, *Memoirs of the Episcopal Church in the United States of America* (Philadelphia, 1820), p. 6.

157 Cf. F. L. Hawks, *Contributions to Ecclesiastical History*, II, 212-213.

158 N. D. Mereness, *Maryland as a Proprietary Province*, p. 450.

159 June 24, 1730. William S. Perry, *Historical Collections*, IV, 288-295.

160 F. L. Hawks, *Contributions to Ecclesiastical History*, II, 239. Hugh Jones of St. Stephen's Parish to the Lord Bishop of London, October 19, 1741. William S. Perry, *Historical Collections*, IV, 323, 324. In the former letter the writer requested of the Secretary the donation of a library to confute the Diests, Papists, Presbyterians, Quakers, and Anabaptists.

amples of conditions in Maryland which needed righting. Lacking a royal commission, he felt himself unable to cope with the situation.[161] Such cases were in themselves a constant reminder that disciplinary measures were needed. At times a serious issue was precipitated between the clergymen and members of the General Assembly, especially those of the Lower House. Both sides recognized that the crux of the matter concerned clerical delinquencies and that some solution must be found. On the method of procedure, however, they differed.

After the attempt to control ministers through the establishment of a laymen's court had failed,[162] the Maryland Assembly turned, as we have seen, to the policy of reducing clerical incomes with a view to starving out the unworthy.[163] This method of procedure was both unwise and ineffective, since it would of necessity operate on all alike, good and bad. If carried to its logical conclusion, it would drive from the colony all ministers of the Established Church. Furthermore, when the policy was first suggested as an expedient, clerical incomes from the parishes were very inadequate,[164] an indication that the profligacy among them was not at that time the result of affluence. After the Inspection Law of 1730 was passed, in spite of clerical opposition,[165] the income of

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[161] Henderson to the Bishop of London, August 7, 1731, and October 11, 1731. *Ibid.*, 308, 310.

[162] In 1704 and 1725. The latter was not entirely for disciplinary purposes. See above pages 24 and 30, respectively.

[163] N. D. Mereness, *Maryland as a Proprietary Province*, p. 447. The Maryland Assembly was thinking of resorting to this method of control even before the second attempt at the establishment of a laymen's court in 1725 proved futile. F. L. Hawks, *Contributions to Ecclesiastical History*, II, 153.

[164] *Ibid.* It is true at least by the middle of the eighteenth century that the salaries of Maryland clergymen were supplemented by subscriptions and other perquisites. By the time of Governor Sharpe this had become a real burden, as these were in addition to the regular stipend for ministers. Henry Callister to a Friend, November, 1745. L. C. Wroth, "A Maryland Merchant and His Friends, in 1750," *Maryland Historical Magazine*, VI, 220-221.

[165] See above page 31, Footnote ♯151.

ministers continued to decline, though the law expired within a few years.[166] The pecuniary loss was a direct result of the failure to enact legislation regulating tobacco production. Absence of such a law well nigh brought ruin to both merchant and planter in Maryland;[167] and conditions were not remedied until the new Inspection Law of 1747 was passed. Ill feeling between the clergy and laity, engendered in the controversy over the law of 1730,[168] was still present in the Assembly, and the delinquencies of the clergy showed no sign of improvement. The law of 1747, therefore, contained a clause which decreased by one-fourth the amount of tobacco due to the clergy under the forty-pound poll requirement, and a provision for a money payment from those who raised no tobacco.[169] To the law of 1747 the clergy raised no objection;[170] but when it was renewed in 1752 they voiced their opposition, apparently fearing that continued interference in church matters would endanger the future of the Establishment. As the value of church livings had increased by this time, opposition to the

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[166] N. D. Mereness, *Maryland as a Proprietary Province*, p. 455. F. L. Hawks, *Contributions to Ecclesiastical History*, II, 226.

[167] N. D. Mereness, *Maryland as a Proprietary Province*, p. 455. It should be said that the Inspection Law of 1730 was really to regulate the staple of tobacco in the colony as to both quantity and quality. It did not achieve this result and was consequently in force only a few years. For years after this the tobacco industry fell off in Maryland and the clergymen suffered a loss of income.

[168] See above page 32, Footnote ♯ 152.

[169] Thomas Bacon, *Laws of Maryland*, 1747 (Annapolis, 1765), Chap. I. The Act can be found in full in "Acts of the Assembly of the Province of Maryland" *Laws of Maryland, May Session 1747*, pp. 13, 14. (Law Library, Library of Congress.)

[170] This may have resulted from the fact that their incomes were very low under conditions as they were before the law passed. See letter of Henery Callister to a Friend, November, 1745. Above page 34, Footnote ♯ 164. The Bishop ot London was at this time again at variance with the proprietor, and this is also given as a reason why they felt the time inopportune to voice objections. F. L. Hawks, *Contributions to Ecclesiastical History*, II, 230.

law stirred resentment, for the Assembly felt that the clergy had no just cause.[171]

By this time certain characteristics of the Established Church in Maryland had materially changed since the beginning of the century. From the resignation of Henderson in 1734 as commissary, the power of the proprietor in affairs of religion had naturally increased. The governor, who inducted to church livings during the royal period,[172] had by the middle of the century been displaced by the proprietor[173] who looked upon this function as well within the limits of his prerogative. A return to his charter rights had been his aim since the province had been restored to him in 1715 on his conversion to Protestantism. The charter gave him the "patronages and advowsons" of all churches without regard to the various faiths concerned.[174] Insistence upon his rights as they pertained to the Established Church was detrimental to its welfare. He was too far away to sense fully the needs of the church. Since he exercised the right to present to church livings, many rectors received appointment who were unequal "to the sacred function" because of their lack of learning and their "scandalous lives.[175] But the church at this period was thoroughly the "proprietor's own,"[176] and he apparently determined to use it to bolster his declining prestige. The results were disastrous both to him and to the form of church estab-

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171 *Ibid.*, 232-234.

172 This was his right under the original Establishing Act. Perry, *Historical Collections*, IV, 42, 47.

173 Gambrall, *Church Life in Colonial Maryland*, p. 161.

174 Cf. Maryland Charter, Perry, *Historical Collections*, IV, 180. It is doubtful, however, if the proprietor ever had recourse to this power in any church except that of the established form.

175 Jones and Addison to the Bishop of London, August 27, 1753. *Ibid.*, 331.

176 Barker, *Background of the Revolution in Maryland*, p. 49

lishment that had existed from approximately the time of the Glorious Revolution of 1689.

The close connection of the church with the state, however, still remained. Leading churchmen looked to the state as an arbiter of their difficulties. In 1748 when some parishioners were refused entrance to their church by five vestrymen and two church wardens, they appealed for redress to the governor and Council.[177] Only a few years earlier trouble between the vestrymen of St. James Parish and their rector over the expenditure of money, was settled by the governor and Council in favor of the latter.[178] The Charter rights of the proprietor, however, were generally admitted, and all leading officers of the establishment, civil as well as military, held their positions through suffrage of Lord Baltimore.[179] Yet, in spite of many vicissitudes, the church at the middle of the century had sufficient prestige to induce a governor to record the fact, attested by witnesses, that in Maryland he had received the sacraments according to the usage of the Church of England.[180]

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[177] *Maryland Archives,* XXVIII, 450, 451. It is significant that the group seeking redress wanted the matter of their attendance left to the discretion of their rector, the Reverend Whitaker, one of the most disreputable of Maryland clergymen. *Ibid.*

[178] *Ibid.,* 284, 285.

[179] It was so stated in answers to queries sent out by the Board of Trade in 1748 A. D. *Maryland Archives,* XXVIII, 471.

[180] Governor Ogle in 1751. *Ibid.,* 531, 532

CHAPTER II

THE EVOLUTION OF THE ESTABLISHMENT

In Maryland, as elsewhere in English America, the Anglican Church was a conservative institution. If its prestige was less than that of the Establishment in Virginia, its influence was generally strong enough to combat rationalism and dissent and to promote theological conformity. Its members, to be sure, seldom felt that religious emotion which springs from a sense of divine judgement on those who break the moral code; and the province was spared the sort of fanatical legislation that is deeply rooted in a fear of eternal punishment in the life after death.[1] Rarely, if ever, did the teaching of the clergy permeate the thought and life of the people as it did in Puritan New England for generations. Even the religious revival known as the Great Awakening, which stirred the middle colonies and Virginia at the middle of the eighteenth century, was little felt in Maryland; and the Establishment experienced no direct increase of strength or numbers as a result of the revival.[2] Nevertheless, the church continued to be a strong bond of union between the proprietor's government and the people of the province.[3]

In many respects the church-state system of Anglican Maryland seemed not unlike that of Puritan Massachusetts; but there was a difference. Calvinism, strongly entrenched

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[1] N. D. Mereness, *Maryland as a Proprietary Province*, p. 424. "As far as is known never a witch suffered within the Maryland borders." T. C. Gambrall, *Studies in the Civil, Social, and Ecclesiastical History of Early Maryland* (N. Y., 1902), p. 202.

[2] H. L. Osgood, *The American Colonies in the Eighteenth Century*, III, 452.

[3] C. A. Barker, *The Background of the Revolution in Maryland* pp. 46,47

in the northern colony, strove to maintain the supremacy of the church over the state and kept a relatively steady hand on political affairs, even after the charter of 1691 had weakened the prestige of the Congregational standing order.[4] Maryland, like Virginia and other southern colonies, followed more closely the Erastian policy, which emphasized the supremacy of the state in matters of religion.[5] This had been a prominent feature of the Anglican tradition since the days of Elizabeth. In eighteenth-century America the concept probably had no more devoted champions than the successive proprietors of Maryland. They came to regard the church as a form of "moral cement", which insured the integrity of the civil government. The clergy were expected to exert their good offices toward the harmonious evolution of civil and ecclesiastical policies.[6]

Such was the attitude of the fifth Lord Baltimore, who gloried in his power of patronage. As a result, the caliber of Anglican ministers steadily declined in his province; for it was convenient thus to reward those who had served the state well.[7] Some ministers must have secured livings in Maryland only because the authorities in England never looked into their qualifications. A recommendation from the proprietor or the Bishop of London was seldom an endorsement of fitness or character. More often it revealed merely political preferment. Clergymen presenting themselves after ordination for service were passed on quickly to the governor of Maryland. Horatio Sharpe, governor from 1753 to 1768, found himself greatly embarrassed in dispensing places to satisfy proprietary demands. He look-

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[4] H. L. Osgood, *The American Colonies in the Seventeenth Century*. I, 202-203; 210-212; 246.

[5] Philip Schaff, "Church and State in the United States," *Papers of the American Historical Association* (New York, 1888), II, No. 4, 395.

[6] C. A. Barker, *The Background of the Revolution in Maryland*, p. 46

[7] Gambrall, *Church Life in Colonial Maryland*, p. 206

ed upon this as one of the most difficult aspects of his administration.[8] In 1755 he used the cases of two clergymen, whom he feared might apply for induction to livings, to draw attention to the whole problem of providing places for those promised such positions by the proprietor.[9] He was embarrassed in trying to carry out instructions, and sometimes felt compelled to act upon his own initiative. Religion in general, and the welfare of the Established Church in particular, were of little concern in the matter of ecclesiastical appointments.

In this respect Maryland was following the lead of the mother country, for at this time the king's ministers found themselves greatly plagued by requests of place hunters in behalf of relatives and friends.[10] Early in the history of the province, the second Lord Baltimore had begun the practice by appointing his close associates to positions of trust in both church and state.[11] By the time of Sharpe, it had become a form of nepotism which deprived the governor of much of his appointive power.[12] By 1760, Cecil Calvert had come to see the fallacy of a plan of promotion based upon purely personal reasons and had decided that unless promotions were earned, the incumbents soon developed into anti-government men.[13] Clamor regarding the "welfare of the people" he came to regard only as the politician's way of securing some private end. Such politicians, he said, could be purchased by "a sop."[14] In

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8 Sharpe to Calvert, March 12, 1755. *Maryland Archives, VI*, 182.

9 Sharpe to Calvert, June 29, 1755. *Ibid.*, 237.

10 L. B. Namier, *The Structure of Politics at the Accession of George III* (London, 1929), I, 30.

11 C. M. Andrews, *Colonial Period*, II, 283, Footnote.

12 E. B. Greene, *The Provincial Governor*, p. 12.

13 Calvert to Sharpe, March 17, 1760. *Maryland Archives*, IX, 379.

14 Calvert to Sharpe, March 17, 1760. *Ibid.*, 377. The proprietor even had it figured out how many baits he would need to secure a majority in the Lower House. Anyone there who had a record of "good behavior," which always meant working for the proprietor's interest, should be rewarded, was

none of the proprietor's suggestions for promotions was religion ever given as a qualifying attribute, except in regard to filling vacancies in the Council, and it is doubtful if his policy here in any way strengthened the church.

With the outbreak of hostilities in 1754 between the French and the English, Governor Sharpe faced several administrative problems in which the church was indirectly involved. He was given specific instructions concerning his responsibilities toward His Majesty's forces in America, in the light of which he formulated a program for Maryland's contribution to the winning of the war.[15] The Council gave him prompt support; but much to his chagrin the Lower House refused to follow his leadership and he was unable to secure the legislation necessary for the financing of the struggle. Determined to take full advantage of the emergency to curb proprietary powers, the Lower House drew every military supply bill with an eye single to its own purposes.[16] Apparently proprietary domination in the province was more to be feared than royal tyranny,[17] and those who styled themselves representatives of the people were determined to let slip no opportunity for securing a larger control of govermental affairs. Their attitude drew expressions of displeasure and censure, but they remained unmoved.[18]

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his rule for guidance in the matter of promotions. Cf. Calvert to Sharpe, March 17, 1760, *Maryland Archives,* IX, 378-380.

[15] *Maryland Archives,* XXXI, 52-53.

[16] Sharpe had even advanced money to carry on the struggle from his own private funds. Sharpe to Dinwiddie, July 10, 1755. *Maryland Archives,* VI, 245. He was constantly trying to find a solution to overcome the obstinacy of the Maryland Lower House, sometimes even suggesting that a poll tax or stamp tax be imposed. William Black, "Maryland's Attitude in the Struggle for Canada," *Johns Hopkins University Studies in Historical and Political Science,* X, No. VII, 317.

[17] An excellent treatise on this phase of Maryland history is found in an article by William Black, "Maryland's Attitude in the Struggle for Canada," *Ibid.,* 315-379. N. D. Mereness, *Maryland as a Proprietary Province,* p. 475.

[18] Sharpe to John Sharpe, October 10, 1756. *Maryland Archives,* VI, 495. Sharpe to Calvert, March 10, 1758. *Ibid.,* IX, 148-150.

Indeed, when governmental agencies in the mother country lined up behind Lord Baltimore during the French and Indian War, a more democratic spirit became apparent in the Lower House of the Assembly.[19] It manifested itself in a demand for wider recognition of popular rights in formulating governmental policies.[20] It is probable that the proprietor was not unmindful of these democratic trends, nor of the influence of the Established Church in maintaining conservative traditions. At least, the war was scarcely started before instructions were sent to Governor Sharpe to place in the Council men who were favorable to the Church Establishment,[21] and to give full encouragement to ecclestiastical authority in the province.[22] An attempt made to stir up religious prejudices, by pointing out the danger from Catholics in case of a victorious France,[23] may have been an added incentive to keep the Established Church on a secure foundation, since Anglicanism had long been regarded in the province as an antidote for Catholicism.[24] Furthermore, the proprietor, becoming perhaps suspicious of the influence of the Lower House, had determined to win support from the Council.[25] Gover-

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[19] N. D. Mereness, *Maryland as a Proprietary Province*, p. 476.

[20] A. M. Schlesinger, "Maryland's Share in the Last Inter-colonial War," *Maryland Historical Magazine*, VII, 123. M. P. Andrews, *Tercentenary History of Maryland* (Chicago and Baltimore, 1925), I, 458.

[21] Instructions to Sharpe, March 17, 1753, *MS Collection, Portfolio* ♯2, *Document No. 4(2), Paragraph* ♯*3, M. H. S.* (Hall of Records, Annapolis).

[22] Instructions to Sharpe, March 30, 1753. *MS Collection, Portfolio* ♯2, *Document* ♯ *4(1), Paragraph 58, M. H. S.* (Hall of Records, Annapolis).

[23] See below Chapter III p. 60.

[24] In Pennsylvania it was felt that the work of the Society for the Propagation of the Gospel, an Anglican institution, had kept many from entering the Roman Church. William S. Perry, *Historical Collections*, II, 314. Cf. also: Anthony Ellys, *A Sermon Before the S. P. G.* (London, 1759), pp. 27-29.

[25] Instructions to Sharpe, March 30, 1753. *MS Collection, Portfolio* ♯2, *Document* ♯ *4(1), Par.* ♯ *15* (Hall of Records, Annapolis.) Calvert to Sharpe, March 17, 1760. *Maryland Archives* IX, 376, 377. The council can usually be looked upon as presenting a conservative influence and was usually on the side of the governor. E. B. Greene, *The Provincial Governor*, p. 90.

nor Sharpe soon learned that the Council held views in accord with his own;[26] and Baltimore was of the opinion that it contained the wisest men in the province. He looked to its members to prevent the democratic spirit in the Lower House from destroying the Establishment.[27] His decision to place in it men favorable to Anglicanism was to accomplish by a single move a double purpose—fortify his waning political strength in the colony and bolster the position of the church.[28]

Although the governor and proprietor agreed in the determination to depend on the Council for support rather than on the Lower House, they were primarily motivated by a desire to check the political trend in the province. Only indirectly would either the proprietor or the church be strengthened.[29] The Council was too slender a reed upon which to lean. It was supposed to contain twelve members, but at the time the contest with Great Britain was rising it had only nine, some of whom were infirm and aged.[30] Men of ability were reluctant to qualify as members.[31] It was hard to secure a quorum, because of illness among the members and the remote places of their residence.[32] Furthermore, while the province was in the midst of the war with France general indifference prevailed; some councilors rarely put in an appearance,[33] a fact

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[26] A. M. Schlesinger, "Maryland's Share in the Last Inter-colonial War," *Maryland Historical Magazine,* VII, 124.

[27] Baltimore to Sharpe, February 6, 1767. *Maryland Archives,* XIV, 371.

[28] The Maryland clergy were on the side of the government, being under its patronage. Jonathan Bouchier, *Reminiscences of an American Loyalist,* 1738-1789 (New York, 1925), p. 68.

[29] Cf. E. S. Delaplaine, "Life of Thomas Johnson," *Maryland Historical Magazine,* XIV, 175.

[30] Sharpe to Hamersley, June 22, 1768. *Maryland Archives,* XIV, 509.

[31] Tilghman, Carroll, and Goldsborough, all outstanding lawyers of the province, declined to do so in 1768. Sharpe to Hamersley, October 30, 1768. *Maryland Archives,* XIV, 536. Sharpe to Hamersley, June 22, 1768. *Ibid.,* 509. Sharpe to Hamersley, November 28, 1768. *Ibid.,* 554.

[32] Sharpe to Calvert, March 27, 1760. *Maryland Archives,* IX, 389.

[33] Sharpe to Calvert, July 7, 1760. *Ibid.,* 425.

which may have influenced the decision to allow but three members to constitute a quorum.[34] The close connection of the Council and the Established Church, and the fact that the clergy depended on it for support, could only weaken both church and clergy in the public mind when the Council found itself in a deadlock with the Lower House. This situation developed all too often, both during the French and Indian War and shortly after its close in 1763.[35]

Sharpe's reasons for recommending promotions in the hierarchy show slight interest in religious matters; and the welfare of the Established Church was but little furthered by his appointments. Nevertheless, he based his promotions upon faithfulness in the performance of duty.[36] No personal attachment, no form of bribery, had any place in his program for advancements.[37] He looked upon the complacent maneuvers of the proprietor as very impractical.[38] So great was the clamor for places in the church that ambitious persons made their requests known on mere hearsay evidence of the death of an incumbent. On one occasion Sharpe had to hold up the proprietor's commission out of respect for the dead. The proprietor was known to have created the collectorship of Chestertown in order to be free from a clergyman who had failed to secure induction to a church living.[39] Some of the very

[34] The proprietor desired, however, that at least five be present for any action. Instructions to Sharpe, March 30, 1753. *MS Collection, Portfolio* ♯2, *Document* ♯4(1), *Paragraph* ♯3, *M. H. S.* (Hall of Records, Annapolis). Too often, according to Sharpe, the three men, Tasker, his son Col. Tasker, and his son-in-law, Mr. Dulany, carried the decision for the entire Council. Sharpe to Calvert, March 27, 1760. *Maryland Archives,* IX, 389.

[35] The deadlock between the Council, or Upper House, and the Lower House of the Maryland Assembly during this war was not occasioned by any matter of religion but was largely concerned with the problem of taxation of the proprietor's lands in the province.

[36] Sharpe to Calvert, July 7, 1760. *Maryland Archives,* IX, 430.

[37] *Ibid.* Cf. also Sharpe to William Sharpe, August 4, 1761. *Ibid.,* 533.

[38] Sharpe to Calvert, July 7, 1760. *Ibid.,* 423-435.

[39] *Maryland Archives,* IX, 437.

men he had promoted later turned against him. Sharpe felt the whole policy of the proprietor was wrong, as some of the offices he used to secure support were really financial handicaps to the holders and of too little value to insure political allegiance.[40] Many deserving persons were ignored[41] in order that some favorite in England who had fallen into bad company, could be provided for in Maryland.[42] Positions in the civil service were not open to anyone who spoke disparagingly of the proprietor.[43] Promotions likewise were based on personal friendships, loyalty to the proprietary interests, and economic considerations, which too often suggested bribery. Even the majority of the Council was composed of such office holders.[44] Although the policy pursued differed perhaps in no material way from that followed in other colonies, or in the mother country, it is briefly considered here to show that even in such an important matter as selecting officers for places of public trust, the interests of the church were but little advanced. The fact that the majority of office holders were members of the Established Church reflected the numerical superiority of Anglican Church members in the colony, rather than the influence of the Establishment in political appointments.

Shortly after the middle of the eighteenth century, the rise of a more democratic spirit in Maryland politics tended to reveal unfavorably the administrative system of the Established Church. The Anglican Church was not a democratic institution, and in Maryland, church administration was less democratic than in any other province where

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40 Sharpe to Hamersley, July 25, 1768. *Maryland Archives,* XIV, 518 Sharpe to Calvert, July 7, 1760. *Ibid.,* IX, 427-428.

41 Sharpe to Baltimore, October 31, 1768. *Ibid.,* XIV, 551.

42 Hamersley to Sharpe, April 1, 1768. *Ibid.,* XIV, 482.

43 Sharpe to Hamersley, June 9, 1767. *Ibid.,* XIV, 394.

44 B. C. Steiner, *Life and Administration of Sir Robert Eden* (Baltimore, 1898), p. 28.

this church had been established.[45] Indeed, the very act of establishment in 1702 is said to have brought a distinct check to the growth of popular control in the colony; just as Anglican Church policies in the Carolinas indicated a conspiracy against the liberties of the people.[46] A leading historian of the Church of England says that the church system takes no account of democratic principles or rights of the people.[47] High Churchmen as early as 1688 had condemned the doctrine that civil authority was derived from the people.[48] The whole background of Maryland's development, both religious and political, had been the very antithesis of democracy. The Established Church there could maintain itself only as long as the ways of religion and politics ran parallel. When, after the French and Indian War, the political course of the colonies began to diverge from that of the mother country, the church of Maryland, one with that of England, found itself unable to assume leadership in affairs of state. It could go back for its legal status to the original Maryland charter, amplified by later legislation. The original charter, however, was itself an undemocratic instrument[49] and could be interpreted only in the interest of the proprietor.[50]

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[45] For comparisons see below pp. 50 and 51 with footnote references.

[46] H. S. Cobb, *The Rise of Religious Liberty in America* (New York, 1902), pp. 124, 387. In North Carolina an attempt to give more power to the vestries in selecting ministers failed on expressed opposition from the Bishop of London. *Acts of the Privy Council, 1745-1766* (London, 1911), IV, 408.

[47] J. S. M., Anderson, *The History of the Church of England in the Colonies* (London, 1856), III, 282.

[48] C. M. Andrews, *Colonial Period* (New Haven, 1937), II, 368.

[49] C. M. Andrews, *Colonial Period* (New Haven, 1936), II, 282-283, Footnote. As a check to democracy the proprietor could even create a nobility. H. L. Osgood, "Classifications of Colonial Governments," *American Historical Association Annual Report,* 1895, No. XXVII, p. 624.

[50] Andrews, *Colonial Period,* II, 283, Footnote ♯ 1, and 336. It must be kept in mind that the original charter under which Maryland operated on the eve of the Revolution limited suffrage to freeholders possessed of fifty acres of land, twelve of which must be cleared. Cf. L. W. Labaree *Royal Government in America* (New Haven, 1930), 188. Not all freemen

This failure of the church to achieve leadership in Maryland may be attributed to the status and character of the Anglican clergy, but it must not be assumed that all of them were disreputable characters. It is easy, as we have seen, to find evidence that some clergymen were delinquent, but there is also proof that many were superior men. Of seventeen Anglican ministers in Maryland under the Commissaryship of Doctor Bray, he knew of only two whom he thought deserving of discipline. The rest he commented upon very favorably.[51] He maintained that the face of things in Maryland had changed for the better, and that honesty and morality had increased after the establishment was legalized following the Glorious Revolution. When the proprietor regained control of his province in 1715, he looked upon the clergy as supporters of his prerogative. His governor, Charles Calvert, wrote the Bishop of London under date of November 8, 1721, expressing his great deference for the Anglican ministers.[52] Three years later he wrote again, lauding the clergy in even stronger terms because of the regard they had for him, their loyalty to the King, and the affection they manifested toward the proprietor.[53] One year later Calvert wrote the Bishop of London expressing his confidence in the clergy and emphasizing their good conduct. Criticism of their way of life, he said, was un-

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were able to meet this requirement, as some of them were landless. Andrews, *Colonial Period,* II, 364. After 1692 suffrage was extended to freeholders worth forty pounds. H. D. Funk, "Influence of the Presbyterian Church in Early American History," *Presbyterian Historical Society Journal* (April, 1924), XII, 62. Cf. also *Proceedings of the Convention of the Province of Maryland,* July 26, 1775, to August 14, 1775 (Baltimore, 1836), p. 29, and E. B. Greene, *The Provincial Governor,* pp. 34-35, for further evidence of the undemocratic nature of the Maryland government.

[51] B. C. Steiner, "Thomas Bray: His Life and Selected Works," *M. H. S. Fund Publications # 37* (Baltimore, 1901), p. 181.

[52] *Fulham Palace* MSS, Maryland Transcripts #112 (Library of Congress, Washington, D. C.)

[53] *Ibid.,* #114.

justified. The majority had behaved well, as good subjects.[54] In 1724 the Reverend Christopher Wilkinson, one time commissary for the Eastern Shore, doubted that the many charges hurled at the clergy by the Lower House were true. In his opinion, only two rectors were deserving of censure.[55]

The truth concerning the character of Maryland clergymen is hard to ascertain. Usually the worst element among them was played up either to foster episcopacy, or to emphasize clerical irregularities as aiding the cause of the Catholics.[56] The case of the vestry against the Reverend Mr. Tibbs has already been cited.[57] In this case not all the vestrymen were against the rector. A quartet of ministers, including the future commissary, Henderson, defended him. If we can believe Tibbs' own statement, his ministry was by no means a failure. After a residence of twenty-four years in his parish, he was still able to fill his churches practically every Sunday.[58] In 1726 the vestrymen of St. James Parish spoke very highly of their rector, the Reverend Mr. Tustian,[59] as did both church wardens and vestrymen of St. George's Parish of their rector, the Reverend George Murdock, in 1731.[60]

Not only were many ministers of the Established Church of good report, but some were well educated men. The Reverend Mr. Tustian held a degree from Oxford.[61] Mr. Skippon, rector of St. Anne's Parish at Annapolis, and clerk of the Upper House of Assembly in 1723, was declared to be an excellent scholar. Many clergy-

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54 Calvert to Lord Bishop of London, June 22, 1725. Perry, *Historical Collections,* IV, 249.

55 Perry, *Historical Collections,* IV, 246-247.

56 This also for episcopal purposes, by which is meant the strengthening of Episcopal machinery of the church for disciplinary purposes.

57 Above Chapter I, pp. 25 ff.

58 Perry, *Historical Collections,* IV, 190.

59 *Fulham Palace MSS,* Maryland Transcripts ♯54 (Library of Congress).

60 *Ibid.,* ♯38.

61 *Ibid.,* ♯198.

men were well qualified to teach private schools, and some did so.[62] The Reverend Thomas Cradock, rector of St. Thomas Parish in the time of Sharpe, had finished a course at Oxford.[63] In 1763 the Reverend Alexander Malcolm was reported to have been the author of "several learned works on Mathematics, Music and Grammar."[64] Hugh Jones, rector of St. Stephens and Augustine Parishes in Cecil County in 1753, held a Master of Arts degree from the University of Oxford. Henry Addison of St. John's Parish, Baltimore County, was similarly equipped.[65] Bennet Allen, though a minister of ill repute, is said to have been a man of "good education . . . and no mean intelligence."[66] Jonathan Boucher, who came to Maryland in 1770, speaks of himself as a man of "no education"; yet he had taught a private school in Virginia for years before this, and had received some training in the Wigton Grammar School in England before coming to the colonies.[67] He officiated in St. Anne's Parish in Annapolis just before the outbreak of hostilities with the mother country. He boasted of an honorary degree from King's College in New York.[68] In 1775 the Reverend Mr. Edmiston was forced to resign from St. Thomas parish because of his Tory leanings. He was spoken of as a well educated man.[69] Henry Addison recommended for Holy Orders a Mr. Hindman, who had as good an education as could be afforded by America.[70] Maryland's problems in the

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62 Gambrall, *Church Life in Colonial Maryland,* pp. 163-164.

63 Ethan Allen, *The Garrison Church: Sketches of the History of St. Thomas Parish* (New York, 1898), p. 8.

64 Quotation from *Maryland Gazette* as given in Oswald Tilghman, *History of Talbot County* (Baltimore, 1915), I, 278.

65 Perry, *Historical Collections,* IV, 332.

66 Note in *Maryland Archives,* XIV, page ix.

67 *Maryland Historical Magazine,* VII, No. 1, p. 1.

68 Boucher to Washington, January 19, 1773. *Letters of Jonathan Boucher to George Washington* (Ford Edition: Brooklyn, 1899), p. 40.

69 Ethan Allen, *The Garrison Church,* pp. 34-35.

70 *Fulham Palace MSS,* Maryland Transcripts ♯36 (Library of Congress)

religious field could, however, be solved neither by well educated ministers nor by the exemplary lives of a few of those inducted to livings in the Established Church.

From the viewpoint of the Anglican ministers themselves, their status in the province of Maryland at this period was perhaps the best to be found anywhere in America. The people had little or nothing to say concerning church administration; and a minister, regardless of his conduct, if once inducted, could not be removed by the highest exercise of proprietary power.[71] Too often a clergyman behaved well until after his induction, and then changed.[72] This he could do because of his freedom from all disciplinary control. An Episcopal scholar of Maryland's religious history speaks in strong terms against the unique form of church establishment found there.[73] No comparable system of administration existed in any other colony. Its peculiar aspect consisted in the fact that a minister, once inducted to a church living, could be removed by no power within or without the province. This was true in no other colony where the Anglican Church had been established. In South Carolina, for instance, ecclesiastical preferments were "in the disposal or election of the people." The power of collating to all livings was in the hands of the governor, through instructions from the king, who was the recognized patron of all parishes.[74] If a minister, once inducted, proved un-

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[71] S. Johnson to Archbishop of Canterbury, July 25, 1759. Herbert and Carol Schneider, *Samuel Johnson: His Career and Writings* (New York, 1929), I, 289. F. L. Hawks, *Contributions to Ecclesiastical History,* II, 190, 208.

[72] Perry, *Historical Collections,* IV, 257.

[73] F. L. Hawks, *Contributions to Ecclesiastical History,* II, 236.

[74] Governor Glen to Duke of Bedford, October 10, 1748. *South Carolina Historical Society, Collections* (Charleston, 1858), II, 303. Cf. also "Laws of South Carolina," Nicholas Trott, *Laws of the British Plantation in America* (London, 1911), pp. 12-13. For comparison with North Carolina see "Laws of North Carolina," *Ibid.,* pp. 84-89. Policies in New England can be seen in *Massachusetts Provincial Laws: Acts and Resolves,* 1692-1714 (Boston,

worthy, the legislature could deprive him of his salary.[75] Virginia as early as 1642 gave parishioners the privilege of choosing and presenting their minister to the governor who inducted him into office. He could be removed by the General Assembly.[76] In this province much progress toward a democratic policy had been made. By the outbreak of the revolution the vestries had acquired the power to elect ministers and church wardens. They also had powers regarding taxation and processing of lands, care of the poor, and were the "centers around which the church and state functioned."[77]

It was otherwise in Maryland. As early as the beginning of the eighteenth century, two men submitted to the governor a petition in behalf of a suspended vestry clerk. The petitioners maintained a vestry clerk could be suspended only by an Anglican bishop. The men were called before the governor and severely lectured for their action.[78] An induction commission to an Anglican clergyman, given by the last colonial governor of Maryland, shows that vestrymen, wardens, and even the parishioners were subject to specific directions.[79] Disregard of democratic principles in the administration of the Established Church

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1869), I, Chapter 26, p. 62, and C. J. Hoadly, Editor, *The Public Records of the Colony of Connecticut, 1717-1725* (Hartford, 1872), VI, 277, 380, 401-402; also M. Louise Greene, *Development of Religious Liberty in Connecticut* (New York, 1905), pp. 138-152.

[75] H. L. Osgood, *The American Colonies in the Seventeenth Century*, II, 328.

[76] W. W. Hening, *Virginia Statutes at Large* (New York, 1823), I, 242.

[77] Cf. W. W. Hening, *Virginia Statutes at Large* (New York, 1823), I, 240, 433, and Sadie Bell, *The Church, the State, and Education in Virginia* (Philadelphia, 1930), p. 81.

[78] *Maryland Archives*, XXVI, 51-52.

[79] For example, cf. the Commission given to Rev. Samuel Sloan from Robert Eden, November 20, 1769. F. 286. *MS Collection* (Maryland Historical Society, Baltimore), or 1769, Nov. 20. Sloane, Rev. Samuel—Frederick Lord Baltimore V. F. (M. H. S. Baltimore). An earlier one to Hugh Jones, October 2, 1731, conveys the same thought. *Maryland Archives*, XXV, 544.

in Maryland constituted the crux of the problem just before the outbreak of the American Revolution.

Maryland and Virginia presented more complaints of drunkenness and immorality among the clergy than any other province in English America.[80] The causes, however, that contributed to this unhappy condition were not the same in the two colonies. In Maryland, for example, many factors combined to lower moral standards, among which may be listed a form of simony and the lack of adequate disciplinary machinery. Too often, clergymen sold their livings to a hireling and then enjoyed, with a full sense of security, the fruit of another's labor.[81] Such practices were entirely against the spirit of the Act of 1701/2 which established the Church of England in the province. The "forty pound poll" was allowed the "minister of each respective parish having no other benefice to officiate in," but out of this stipend he was to pay his clerk one thousand pounds of tobacco yearly.[82] It was not intended that a minister should abuse his privileges and enrich himself. Plural livings, as we shall see,[83] were obtained by some in order to increase their incomes, although Maryland clergymen, shortly after the Inspection Law of 1747, were the best paid of any in the colonies. Many of the church livings in the province at this time were above 200 pounds sterling in value, and some were much higher.[84] Jonathan Boucher, three years before he went to Maryland in 1770, had ex-

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[80] H. L. Osgood, *The American Colonies in the Eighteenth Century*, III, 96.

[81] F. L. Hawks, *Contributions to Ecclesiastical History*, II, 282.

[82] Perry, *Historical Collections*, IV, 140.

[83] Bennet Allen of Maryland held two parishes at the same time. See below Chapter IV, p. 95. There were some clergymen in Virginia who held two benefices, but the practice was there strongly condemned also. Mr. Dawson to the Bishop of London, n. d. (1752?). Perry, *Historical Collections*, I, 385.

[84] N. D. Mereness, *Maryland as a Proprietary Province*, p. 456. F. L. Hawks, *Contributions to Ecclesiastical History*, II, 232.

pressed a desire to settle there because of the high salaries paid to Anglican ministers.[85]

Stipends to clergymen in Virginia were generally lower than in Maryland. A clerical living consisted of 16,000 pounds of tobacco annually, in value of approximately 80 pounds sterling; and as late as 1760 the tobacco was of the meanest quality.[86] Yet these Virginia ministers were as unprincipled on the whole as were those in Maryland. A contemporary writer as early as the seventeenth century says of them that "many came such as wore black coats and could babble in a Pulpit, roar in a Tavern, extract from their Parishioners, and rather by their dissoluteness, destroy than feed their Flocks."[87] They found the conditions among the vestrymen well suited to their plan for obtaining livings, for all were under the patronage of the vestries.[88] Applicants were frequently ordained on the express understanding that they would not trouble the vestrymen further, but would take their chances in securing a place in lapsed parishes where their characters were unknown.[89] Ministers were sometimes admitted without any recommendation at all,[90] and it was possible

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[85] Boucher to James, March 9, 1767. *Maryland Historical Magazine*, VII, No. 4, p. 340.

[86] Perry, *Historical Collections*, I, 379, 465.

[87] "Leah and Rachel," Peter Force, *Tracts Relating to the Colonies in North America* (Washington, 1844), III, No. XIV, 9. This comparison with Maryland shows there was little connection between the salary a minister received and the character he developed. The Carolinas made no adequate provision for religion. Cf. W. L. Saunders, Editor, *North Carolina Colonial Records, 1732-1752* (Raleigh, 1886), IV, 227-228, 244. Throughout the proprietary phase of the history of Georgia there was no general law passed for clerical maintenance. Nicholas Trott in his *Laws of the British Plantations in America Relating to the Church and Clergy* (London, 1791), cites no such law for this colony.

[88] Mr. Giberne to the Bishop of London, August 31, 1764. William S. Perry, *Historical Collections*, I, 502.
gious Liberty in America, p. 94.

[89] Mr. Giberne to the Bishop of London, August 31, 1764. William S. Perry, *Historical Collections*, I, 502.

[90] Mr. Dawson to the Bishop of London, July 15, 1751. *Ibid.*, 378.

for many undesirable characters thus to secure access to church livings. The vestries were generally illiterate and would try out candidates, sometimes for a year, during which interval as many as four contestants would be competing for the same place. They sometimes resorted to methods but little removed from those of "an African jungle" in order to win the desired position.[91] Those who could find no employment and promotion in England would emigrate to Virginia and secure entrance to church livings. This so reduced the general standards among the Virginia clergy that, in the opinion of some, even the laity in the colony were superior in morals to their religious preceptors.[92]

Even the ablest of the Maryland clergy were no more successful than their fellows in Virginia in controlling the course of political events. Though they were usually subservient to the proprietor, or to his governor and council in civil affairs, they could rarely enlist the support of the government in matters ecclesiastical. Their loyalty to the administration at a given time brought few favors for the Establishment. As a result, they suffered from the mounting resentment of the growing anti-proprietary factions, but shared none of the power with their political friends. As Maryland moved slowly, and reluctantly into the orbit of the colonial quarrel with the mother country, the Anglican Clergy in the province could give little direction to the movement. At best they would have been weak. They were peculiarly so after 1750 for the administrative organization of their church

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91 John Camm to the Bishop of London, June 4, 1752. *Ibid.*, 388. These candidates were rivals for the favors of the vestrymen and restored to methods "not the most decent" to win them. They canvassed for votes, resorted to "treating," and ran down and depreciated the abilities and reputation of each other. *Ibid.*

92 Bishop Meade, *Old Churches, Ministers, and Families of Virginia* (Philadelphia, 1878), I, 50-51.

was under attack in the Lower House of the Assembly and their influence over the inhabitants of the province was being curtailed by irritating conflicts with other denominations of Christians. Though sectarian rivalries had existed in Maryland from its founding, the religious dissent both of Catholics and Evangelical Protestants developed rapidly in the second half of the eighteenth century.

CHAPTER III

SECTARIAN RIVALRIES

The period of Anglican predominance in Maryland, largely a product of the Glorious Revolution, marked the decline of Catholicism within the province. Among the major casualties of the political upheaval of 1689 was the Toleration Act of 1649. Thereafter the Catholics fell rapidly from the plane of equality with all other Christians to a position where they were limited by a host of statutory disabilities. The right to worship privately they never lost, but Maryland's legislators during the first half of the eighteenth century enacted some of the most stringent anti-Catholic laws in force anywhere in English America. Enforcement, it is true was modified by the continuing influence of the earlier tradition, and a sort of mutual understanding enabled the older Catholic families to maintain their faith and rear their children in it.[1] Nevertheless, irritating conflicts flared up between Catholics and Anglicans, especially after the quarter-century of royal government came to an end in 1715. Then the proprietor, now an Anglican, was willing to deprive the former Catholic leaders of the political preferment which they had once enjoyed.

As the laws creating the established church passed the Assembly, Catholic laymen were quick to indicate their opposition. In 1698 they protested against the forty-pound poll tax for the maintenance of Anglican ministers. It may have been this protest which inspired the Assembly during the following year to pass an act designed to

[1] E. B. Greene, *Religion and the State in America,* p. 56. Cf. also L. H. Gipson, *The British Empire before the American Revolution* (Caldwell, Idaho), II, 67-68; H. S. Spalding,*Catholic Colonial Maryland* (Milwaukee, 1931), Chap. XIII.

limit the number of "Irish Papists" who could be brought into the province.[2] Believing that the law did not offer a satisfactory solution of the Catholic issue the Lower House debated a proposal to prevent priests and others from trying to persuade Her Majesty's subjects to join the Church of Rome. Though no action was taken, anti-Catholic sentiment again became manifest in an "Act to Prevent the Growth of Popery," which was signed by the governor on October 3, 1704.[3] On the same date the governor also approved a bill levying a 20-shilling tax on all Irish servants imported into Maryland, as a further curb on Irish Papists.[4] While the whole question leading up to the legislation of October 3, 1704 was being discussed, the governor was informed that two Catholic priests had been accused of saying mass and consecrating a chapel. They were called before the governor, denied counsel, severely reprimanded, and threatened. The sheriff was ordered to lock the chapel and retain the key. The governor told them they were let off easily because it was their first offense. As an English Protestant gentleman, he warned them that he could not equivocate. The House of Delegates thanked the governor for his speech to these priests and expressed pleasure that he was ready to protect Her Majesty's Protestant subjects against the insolence and growth of popery.[5]

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[2] *Maryland Archives,* XXIV, 321, 416. Thomas Bacon ed., *Laws of Maryland,* 1704 (Annapolis, 1765), Chap. IX.

[3] The Act was a drastic one prohibiting any Catholic priest from baptizing children, except children of the Papists, or trying to convert them to the Roman religion. Priests were to be fined 50 pounds sterling and jailed for six months without bail for saying mass. Any Catholic priest keeping a school, saying mass, and functioning as a priest should be deported to England for punishment. Catholics could not compel their Protestant children to become Catholics by denying them maintenance. *Maryland Archives,* XXVI, 340-341. This act was based on that of 1699. Cf. *Acts of the Assembly passed in the Province of Maryland from 1692-1715* (London, 1723, Law Library Room, Library of Congress.) p. 24.

[4] *Maryland Archives,* XXVI, 289.

[5] *Ibid.,* 44-46, 61, 160.

But prejudiced enthusiasm had carried the legislature too far. The Catholics lodged a remonstrance with the Upper House of the Assembly. It received at once the sympathetic attention of that body, which went so far as to express a desire for a bill to suspend, over a period of eighteen months, the prosecution of any Romish priest who had violated the Act of October 3, provided the priestly function had been exercised in a private Roman Catholic family.[6] The remonstrance was sent at once to the Lower House, where it was received in a tolerant spirit. The delegates requested the governor and Council to frame a bill absolving priests of the Roman Catholic faith, from prosecution under the recent Act, whenever they were functioning privately in Catholic homes.[7] The result was the passage of an act guaranteeing priests freedom from persecution under such circumstances for a period of eighteen months, or until the pleasure of the Queen regarding the matter could be known.[8]

Suspicion of Catholics, however, still persisted; and on May 18, 1705, the governor and Council were anonymously warned of a supposed popish plot led by Henry Darnall, and priests conniving with the Indians and French, to destroy Protestants.[9] The recent legislation in favor of Catholic priests, it was maintained, cast a reflection on the Lower House, since it put the House in the position of blinding the people to their own danger. The legislators promptly branded the warning as a libel and ordered the writers prosecuted. There is no evidence that their identity was ever learned, but the danger to the colony from Catholics still received emphasis. On April 4, 1706, the governor and Council ex-

[6] *Maryland Archives,* XXVI, 380-381.

[7] *Ibid.,* 403.

[8] The Bill was signed by the Governor, December 9, 1704. *Ibid.,* 431-432 See also Thomas Bacon, *Laws of Maryland,* 1704, Chapter XCV.

[9] *Maryland Archives,* XXVI, 447.

pressed anxiety over the fact that many imported servants were Irish Papists; and also asked advice as to how to prevent the sale of Protestant servants to masters who belonged to the Roman Church. On April 9 there was before the Upper House of the Assembly a bill prohibiting any such purchase. It came before the Lower House the same day, where it was voted to commit it for amendment. Although indorsed on April 11 by the Council in Assembly, the Council refused to pass it until altered into a separate bill. It was rejected the same day by the Lower House. The Catholics had thus escaped for a time an attempt further to curtail their influence.[10]

As the eighteen-month period drew to a close, in which Catholic priests were assured protection while functioning in private Catholic families,[11] another bill for toleration of Papists, continuing this provision, was introduced in the Upper House on April 13, 1706. At the same time a Roman Catholic petition was received, signed by Henry Darnall, Charles Carroll, Richard Bennett, and James Carroll, asking for complete toleration.[12] The Council seemed unfavorable to the petition, but sent it, together with the bill for toleration of Papists, to the Lower House.[13] It came before the latter body on April 15 and was ordered laid aside;[14] but a happier fate awaited the bill extending toleration to priests functioning in private Catholic families. A law continuing this privilege for twelve months passed both houses of the General Assembly on April 18, 1706, and was signed by the governor the

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[10] Details of the work in the General Assembly to curb Catholic influence can be found in Assembly Proceedings, 1704-1706. *Maryland Archives,* XXVI, 447, 526, 539, 568, 569, 583, 588, 590.

[11] See the law of December 9, 1704, above p. 58, Footnote ♯ 8.

[12] *Maryland Archives,* XXVI, 543, 544.

[13] *Ibid.,* 544.

[14] *Ibid.,* 598.

next day.[15] Approximately one year later the privileges were extended by law during the pleasure of the Queen,[16] and this policy was generally followed to the outbreak of the American Revolution.

Catholics, until about 1800, however, were not allowed to say mass in any public meeting or church,[17] and as early as 1718 were prohibited from voting for members of the Lower House of the Maryland Assembly. For approximately two decades before the outbreak of the Revolution they could sit in neither house of the Assembly nor vote for its members.[18] They were prohibited from rearing the children of deceased Protestants, the Council sometimes placing such orphans under Protestant influences.[19]

Governor Sharpe was instructed as early as 1753 to permit liberty of conscience to all persons, except Papists.[20] During the French and Indian War an attempt was made to arouse fear of Catholics, who were accused by the Assembly of meddling in political matters through their efforts to get members elected to the Assembly favorable to their cause.[21] Governor Sharpe felt that the legislation directed against them the very year of the outbreak

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[15] *Ibid.*, 630-631.

[16] April 15, 1707. *Maryland Archives,* XXVII, 146-148. These mitigating Acts toward Catholics absolving them from prosecution under the 1704 Act had the support of England, since it was feared the penalties provided in that Act would tend to depopulate the colony. *Acts of the Privy Council, Colonial Series, 1680-1720* (Hereford, 1900), II, 499.

[17] W. J. Grove, *A History of Carrollton Manor* (Frederick, Maryland: Marken and Bielfeld, 1928), p. 473.

[18] Sharpe to Baltimore, December 16, 1758. *Maryland Archives,* IX, 315-316.

[19] *Ibid.*, XXVIII, 508-511, 515, 516. Maryland followed the lead of the mother country, where the cry of "no popery was wafted from England on every wind." F. L. Hawks, *Contributions to Ecclesiastical History,* II, 53.

[20] Instructions to Governor Sharpe, 1753. *MS Collections, Portfolio* ♯2, *M. H. S. Document* ♯4 (1), *paragraph* ♯47 (Hall of Records, Annapolis).

[21] N. D. Mereness, *Maryland as a Proprietary Province,* p. 327.

of the trouble with France was unwise.[22] His caution, however, in no wise deterred the Assembly, which promptly urged him to place none but faithful Protestants in offices of trust or profit in the province.[23] The *Maryland Gazette* reprinted an article from the *New York Gazette* containing a most scathing denunciation of the Catholic religion, in an effort to inspire within the colony a fear of France.[24] Soon thereafter an unsigned article to the editor set forth the political maxim that Papists should have no share whatever in the government of a Protestant people. The author stated that "Popery is the foundation of all the present Distractions, Divisions, and Dangers" in the province. Complaints were raised because no statute seemed effective in keeping Catholics out of office.[25] The reprint from the *New York Gazette* took advantage of the war with France to stir resentment against Popery.[26] The Established Church likewise made use of the political situation to arouse fears of Catholics, and many of the Anglican rectors were vociferous in their warnings against them.[27]

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[22] Sharpe sought advice from Calvert regarding more moderate legislation. Sharpe to Calvert, February 10, 1754, *Maryland Archives,* VI, 38.

[23] Address of the House of Delegates to Governor Sharpe, March 4, 1754. *Maryland Gazette,* March 14, 1754.

[24] *Maryland Gazette,* October 10, 1754.

[25] Unsigned article to Mr. Green of the *Maryland Gazette. Maryland Gazette,* October 17, 1754. Cf. also W. H. Browne, *Maryland: History of a Palatinate* (Revised edition, Boston and New York, 1904), p. 267.

[26] "Popery is a great friend to arbitrary government which is that of France" was the key note of the article. *Maryland Gazette,* October 10, 1754.

[27] William Smith, Episcopal minister of Philadelphia, looked upon the unhappy state of affairs as the result of Popish cruelty. Letter of William Smith, November 1, 1756. M. I. J. Griffin, Editor, *American Catholic Historical Researches,* N. S. (July, 1909), V, 276. Reverend Mr. Chase, father of Samuel Chase and Rector of St. Paul's Parish in Baltimore County, used his pulpit to convey a message to Protestants of the danger surrounding them because of the Catholics. Sharpe to Baltimore, December 16, 1758. *Maryland Archives,* IX, 317. The Reverend Mather Bayles wrote to the secretary of the S. P. G. under date of April 14, 1769, classifying Papists with heathen and infidels. Wm. S. Perry, *Historical Collections,* III, 545. In North Carolina, where the Anglican Church was established, the committee

The attitude of the Anglican clergy can be seen in two general meetings held at Annapolis in August and October, 1753, where the dangers to the government from the Catholic element in the province were emphasized. Only when it was pointed out that the charges against Catholics were more rumor than fact did the clergymen refrain from presenting their list of grievances. But they were overwhelmingly of the opinion that in the Roman religion lay a great danger.[28] On November 5, 1754, came a blast from an Anglican rector of Queen Anne's parish containing perhaps the most scathing denunciation of the Catholic religion to be found in any literature of that decade.[29] The attitude of this churchman, at a time when the dangers of a victorious Catholic France were being played up, shows that some wished to take advantage of a general antipathy toward Catholics to advance the interest of the Establishment as well as that of the state.

Following in the wake of this anti-Catholic spirit, instructions were sent to representatives of Prince George's County, by a group of their constituents, requesting them to support a law to dispossess the Jesuits of their holdings in Maryland and to exclude Papists from all places of trust and profit. This was described as the "most extensive service," the representatives could do for their country.[30] Reports were extant that Catholics were still stirring up op-

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of Rowan County arose like one man "in defense of our religion from Popery." M. I. J. Griffin, Editor, *American Catholic Historical Researches,* N. S. (July, 1909), V, 310. In New York, another stronghold of the Anglican Church, Friends of Liberty carried a banner in New York City on one side of which were inscribed the words "No Popery." *American Archives,* Fourth Series (Washington, 1839), II, 48.

[28] Sister M. Augustina (Ray), *American Opinion of Roman Catholicism in the Eighteenth Century* (New York, 1936), pp. 72-75.

[29] William Brogden, "Popish Zeal Inconvenient to the Law of Christ," Pamphlets: *A Collection of Sermons* (Maryland Diocesan Library, Baltimore), Vol. X.

[30] Instructions to the Representatives of Prince George's County, November 19, 1754, *Maryland Gazette,* November 28, 1754.

position to the government,[31] and Calvert was soon led to declare his hatred of their religion and his belief that in the Anglican Church was the source of future happiness.[32]

The Maryland Assembly, however, was not content that opposition to Catholics should be limited to mere verbal denunciations. In a law of 1756 it subjected them to a double tax.[33] By this time Governor Sharpe feared that he and his council might fall under some suspicion of being favorably inclined toward Catholicism,[34] but when the Catholics petitioned him to veto the bill,[35] he ignored their request, showed himself subservient to popular demands and signed the measure. While he saw no menace in the Catholics, he also saw no injustice in the double tax,[36] a clear evidence of political bias engendered by the general disrepute in which the Papists were then held in the English colonies.[37]

Sharpe, however, had some misgivings as to just how the matter might appear to the proprietor.[38] In a letter to Calvert he tried to explain his position, laying part of the blame on the Catholics themselves. He thought that they

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[31] These reports were later proved false. *American Catholic Historical Researches,* N. S. (1908), IV, 264, 272.

[32] Calvert to Sharpe, September 9, 1755. *Maryland Archives,* XXXI, 491. Calvert was secretary to Lord Baltimore.

[33] Sharpe to Baltimore, December 16, 1758. *Ibid.,* IX, 315. J. Winsor, *Narrative and Critical History of America* (Boston, 1888), V, 262.

[34] Sharpe to Calvert, May 27, 1756. *Maryland Archives,* VI, 419.

[35] Sharpe to Calvert, May 27, 1756. *Ibid.*

[36] William H. Browne, *History of a Palatinate* (New York: Houghton Mifflin Co., 1904), p. 229. Cf. C. P. Gould, "Money and Transportation in Maryland, 1720-1765," *Johns Hopkins University Studies in Historical and Political Science* (Baltimore, 1915), XXXIII, 102, Footnote ♯76.

[37] At about this time suspicion was raised regarding the presence of Catholics in the English Army. George M. Dunk was Earl of Halifax and from 1748-61 was, with but few interruptions, president of the Board of Trade and Plantations. In a letter of May 9, 1756, he shows clearly that Papists were distrusted in the British Army. Cf. *American Historical Association, Report for 1896* (Washington, 1897), I, 684, Footnote ♯1 and 696.

[38] Sharpe to John Sharpe, May 27, 1756. *Maryland Archives,* VI, 429.

had been dilatory in not voicing opposition to the double tax bill when it was before the Lower House, since it was not customary for the council to change money bills. Also Sharpe felt that when the bill was presented, he, as governor of the province, could give no occasion for the charge of favoring Catholics just at the time when Catholic France was an enemy. Since Catholics were excused from militia, they stood to gain more from the successful termination of the war than they would lose by the double tax imposed upon them. The governor closed his list of reasons for his action in signing the bill with his weakest argument—other colonies treated them even worse.[39]

Several months after Sharpe had signed the bill, he was still agitated over the outcome. He wrote to his brother John, expressing fears that the Catholics might apply to the proprietor, or to the King in Council, for relief from the measure. He had heard that one of his own brothers was to help them get a redress of grievance.[40] This disturbed him. Catholics, said the Maryland governor, should be grateful to him for his struggle with the Maryland Assembly in their behalf. He had passed up opportunities of purchasing friends at their expense.[41] He also felt that Catholics were making a mistake in seeking relief at this time from either proprietor or Assembly. The proprietor, in the estimation of the governor, was somewhat against the sect, since in 1755 he had directed Sharpe to "put several parts of the Penal statutes in force against them."[42] This instruction had not been strictly carried out. If the Catholics obtained relief from the Assembly he feared some "weaker brethren" would begin agitation in favor of an

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[39] Sharpe's reasons for approving the bill imposing the double tax on Roman Catholics can be found in *Ibid.*, VI, 419-420.

[40] Sharpe to John Sharpe, October 10, 1756. *Ibid.*, VI, 496

[41] *Ibid.*, 497.

[42] *Ibid.*, 429.

enforcement of the proprietor's directions. If the Catholics failed to obtain relief, the Assembly would enact even severer laws against them.[43] The Catholics stood to lose in either case and should be satisfied with their existing position.

Irish Papists in Maryland were sometimes classed with Negroes, and a tax of forty shillings was levied against every one imported into the colony.[44] The persistence of the Lower Assembly in its hostile attitude was undoubtedly the cause of a rising indignation on the part of socially prominent Catholics. Charles Carroll in a letter to his son raised the question whether Maryland was a fit place for them to dwell in. "Were I younger," he said, "I would certainly quit it."[45] Approximately two years later he gave his son leave to settle elsewhere.[46] The spirit of the Maryland colony was becoming so intolerant toward Catholics that they themselves opposed the project of a vicar-apostolic for North America,[47] fearing the appointment would arouse further Protestant ire.[48] Within two years the Lower House, contrary to the wishes of the proprietor and the Council, refused to pass an Act protecting the rights of the children of aliens, who were not Protestants, to inherit property.[49]

On issues injected into politics by the presence of Catholics the Assembly and many of the clergy of the Establish-

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[43] *Ibid.*, 497.

[44] *Maryland Archives,* XXXII, 26.

[45] Charles Carroll to Charles Carroll of Carrollton, July 14, 1760. M. I. J. Griffin, Editor, *American Catholic Historical Researches, N. S.* (July, 1908), IV, 276.

[46] Charles Carroll to Charles Carroll of Carrollton, April 16, 1762. M. I. J. Griffin, Editor, *American Catholic Historical Reaserches,* (January 1903), XX, 41.

[47] Dr. Challoner to Dr. C. Stoner, September 12, 1766. E. H. Burton, *Life and Times of Bishop Challoner* (New York, 1909), II, 138.

[48] Charles Carroll to Bishop Challoner, July 16, 1765. Peter Guilday, *Life and Times of John Carroll* (New York, 1922), I, 155-156.

[49] Sharpe to Hamersley, June 9, 1767. *Maryland Archives,* XIV, 393

ed Church stood in general agreement. This was an unusual alignment and shows how deep-seated was the feeling in some quarters against this denomination of Christians. They had, however, a friend in Governor Sharpe. Although he had signed the law in 1756 imposing on them a double tax,[50] he evidently questioned the seriousness of the charges made against them. Shortly afterward he began an investigation. The whole matter had also begun to agitate the home government, and the Proprietor desired that the results of the investigation being made of the allegations against Catholics be sent to him.[51] Governor Sharpe had begun his inquiry through the justices of the peace, perhaps as good a means to get at the truth as could then be devised. The reports of the county courts presented ten years later, completely exonerated Catholics of any attitude or acts hostile to the government.[52] That Sharpe was clearly satisfied with his investigation, and felt that Catholics were mistreated, is evident in his letter to Baltimore in which he drew attention to their inability to sit in either house of the Maryland Assembly or to hold any place of public trust or profit in the province.[53] He stated further that Catholics had been more circumspect in their conduct than had Protestants.[54] In spite of hostile legislation against them, they had maintained an almost unvarying ratio to the total population of the province,[55] and by the time of Governor Sharpe they held about one-twelfth of the land.[56] As a group, they manifested no greater spiritual fervor than

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[50] Above page 63.

[51] Calvert to Sharpe, November 27, 1758. *Maryland Archives,* XXXI, 502.

[52] Sharpe to Baltimore, December 16, 1768. *Ibid.,* IX, 317.

[53] Sharpe to Baltimore, December 16, 1768. *Ibid.,* 315, 316.

[54] *Ibid.,* 318.

[55] T. C. Gambrall, *Church Life in Colonial Maryland,* p. 117. J. Fiske, *Old Virginia and Her Neighbors* (Boston and New York, 1897), II, 169-170.

[56] Sharpe to Baltimore, December 16, 1758. *Maryland Archives,* IX, 316.

other religious groups of the period; and only about one-half of them approached the sacraments.[57]

The evidence seems incontrovertible that the attitude assumed toward the Roman Catholics in Maryland throughout the period of the eighteenth century prior to the American Revolution was based on prejudice. That the reputed Catholic danger was used for sectarian purposes can be seen during the years when attempts were being made to establish the Anglican Church. Quakers had registered their opposition to the movement, and the Roman Catholics were merely supporters of the Quakers' position. This caused the Anglican clergy to address the Bishop of London as early as 1696, pointing out the dangers to the Anglican Church because of the opposition of Papists and Quakers to the forty-pound poll requirement for support of Anglican ministers.[58] This evidently was responsible in a measure for arousing interest in the matter; and the next year the governor demanded a report from the sheriffs of the various counties in regard to the number of priests, lay brothers, Quakers, and other dissenters in the province. The response of the sheriffs is quite revealing. On the Eastern Shore there were apparently no Roman Catholic priests or lay brothers, and only one house of worship could be found. This was evidently a small clapboard building at Doncaster Town. From the Western Shore came reports that in Charles County there were three Romish priests and one lay brother, two chapels, and two private houses fitted up for worship. In St. Mary's county there were two priests and one lay brother and four chapels. All other sheriffs reported an absence of priests, lay brothers, and meeting houses.[59] It is quite clear that the

[57] Peter Guilday, *Life and Times of John Carroll* (New York, 1922), I, 61. Cf. also M. J. O'Brien, *A Hidden Phase of American History* (New York, 1919), p. 266.

[58] Perry, *Historical Collections*, IV (Md.), 8-13.

[59] Return of Priests, Lay Brothers, Quakers and Other Dissenting Groups, May, 1698. *Ibid.*, IV, 20-23.

clergy of the Established Church had conjured up a fear of Papists that in reality did not exist. This was done in order to prevent any further diminution of their own income from the forty pound poll. The Established Church, they insisted, must be maintained as a check to Rome.

This aspect of the case can be seen in practically all appeals of the clergy of Maryland for episcopal supervision. When Governor Hart in 1715 expressed to the Bishop of London his preference for a bishop for Maryland, he was careful to point out that reports were daily reaching him of numbers of adherents of the Church of England who were going over to the Roman Catholics. Such conversions usually could be traced to the unworthy character of the Anglican clergy, a condition which could be remedied only by a stronger episcopacy.[60] In 1724 an inquiry was sent out to ministers of the Established Church regarding conditions in the parishes. It is significant that no query whatever was inserted concerning the Roman Church. Of the twenty-one parishes that returned answers, only five mentioned Catholics. Their numbers ranged from "many" to a "few" and "some." At this time St. James Parish in Anne Arundel County reported only five families of Papists.[61] According to the Reverend John Lang, rector of St. James, these Papists were of the better sort and at times their meetings were attended by members of the Established Church.[62] This may have been one cause of the feeling against them. At least, the Reverend Giles Rainsford, rector of St. Paul's in Prince George County, writing of conditions in the province as a whole, saw much danger from

[60] *Ibid.*, IV, 80-81. Yet Rev. Jonathan White, who stated that he had been sent to Maryland to fight popery, was grieved to learn that his son had been given by Governor Hart a license to marry an Irish Papist. This lament was also used to show the need for some form of our "Church's discipline." *Ibid.*, 85-86.

[61] The return from this report can be seen in *Ibid.*, 190-231.

[62] *Fulham Palace MSS, No. 52* (Division of Manuscripts—Transcripts, Library of Congress, Washington, D. C.)

Papists. But Rainsford was a "stickler for the Established Church" and had a tendency to exaggerate the dangers to which it might be subjected. His letters show him to be consistently anti-Catholic in his views.[63] In 1718 Lord Baltimore was under suspicion of being too liberal to Catholics and had to refute the charge and reaffirm his support of the Protestant establishment. But evidently he had little real fear of Rome, for by 1734 some Catholics occupied places of trust, in spite of laws against them, and were receivers of the proprietor's rents in St. Mary's County.[64] The Reverend Mr. Tustian, writing in 1721 from Anne Arundel County, said that in some counties the priests outnumbered the Anglican ministers two or three to one.[65] This statement can carry relative weight only, since in some counties there were very few men in Holy Orders.

Often in requests for aid to support the work of the Established Church, the rectors classed the danger from Papists in the same category with that from Quakers, Deists, Presbyterians, and other dissenting sects.[66] From the viewpoint of the Established Church, these were all irregular movements. The cause for them was usually given as delinquencies of the clergy, which called for stronger episcopal supervision. As Catholics were held in disrepute in the mother country, the fear that they might become too influential in Maryland was used by Anglicans as an argu-

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[63] See his letters to the Secretary and to the Bishop of London under date of August 16, 1724 and July 22, 1725, and extracts from a letter under date of April 10, 1724. Perry, *Historical Collections,* IV, 241-242, 251-252, and 234 respectively.

[64] See Letters of Lord Baltimore to the Bishop of London's Commissaries, March 23, 1718, and Mr. Holt to the Lord Bishop of London, May 17, 1734. *Ibid.,* 99, and 316-317 respectively.

[65] *Ibid.,* 126.

[66] Note the communication of the Rev. Hugh Jones to the Secretary of the S. P. G. and the Bishop of London under dates of July 30, 1739, and October 19, 1741, *Ibid.,* 322 and 323 respectively. Cf. also Johnston, *History of Cecil County,* p. 214.

ment to secure episcopal discipline to fortify the position of the Established Church.

Commissary Henderson neither shared these fears nor approved Anglican tactics, but he paid later for his tolerant spirit. In 1725 he was accused by Thomas Bordley, a leading lawyer of the province and a member of the Lower House, of conniving with the Catholics and of saying he would rather be a Papist than a Presbyterian. Bordley was absolutely opposed to Henderson's receiving any commission as a superior officer in the episcopal system of church administration,[67] even hinting that the Established Church, and especially the forty-pound poll, under such management would be endangered.[68] The charge was purely personal, for Bordley was no friend of the clergy, and was merely using the Papal angle to discredit his enemy.[69] Henderson may have found satisfaction later in a suit which he instituted against Bordley, at the behest of the S. P. G., to secure property left to the Society by General Nicholson, but held in possession of lawyer Bordley.[70] Certainly, this episode served in no way to ease the tension between the two men.[71]

Henderson was undoubtedly sincere in his statement

[67] Henderson and Wilkinson had been commissioned commissaries for Maryland. At the death of Dr. Robinson in 1723, Bishop of London, their commissions ended. *Synodalia,* XV, 96.

[68] Mr. Bordley to the Secretary, August 9, 1725. Perry, *Historical Collections,* IV, 253-254. An anonymous letter to "My Lord" under date of October 26, 1725, is of the same tenor. It smacks of the sentiments of Bordley. Says Henderson was insolent and unfit for any office in church or state. Cf. *Fulham Palace MSS No. 182* (Division of Manuscripts, Transcripts, Library of Congress, Washington, D. C.).

[69] Calvert to Bishop of London, July 1, 1726. Perry, *Historical Collections,* IV, 255-256.

[70] The S. P. G. to Rev. Henderson, February 24, 1731, and Humphrey to Mr. Bordley, February 24, 1731. *Photofilm Enlargements: Society for the Propogation of the Gospel:* 1929: Maryland (Manuscript Division, Photostats, Library of Congress), Film Pages 2 and 3 respectively.

[71] Some of the land under dispute was still in the hands of the Bordley family as late as 1760. Letter of Henry Addison, October 30, 1760. *Ibid.,* Film Pages 19-22.

in 1718 that the country was in no danger from Papists. Two years later he made a charge to the Maryland clergy at one of his visitations, and in it he said nothing at all of any danger from Papists.[72] In 1730 he again addressed the clergymen, stressing the dangers at that moment facing them. He emphasized deism, liberalism, and the absence of a belief in revelation, as the immediate problems before them. He called for a return to godly living and family worship and urged that instruction be given to Negroes. He never once mentioned any danger from Papists.[73] Yet when Henderson had reported to the Bishop of London, September 1, 1715, regarding the Tibbs case,[74] he had showed how it played into the hands of Roman Catholics, and indicated the need for a bishop to regulate the lives of Anglican ministers. At this time he had called attention of the bishop to the numerous Catholics in the province and apparently had yielded to the general tendency to use a religious prejudice against them to further a scheme for strengthening episcopal machinery.[75] When he wrote in 1718 that no danger existed in the province from Papists, his purpose was largely to secure episcopal support against the Maryland governor, with whom he was not on the best of terms.[76] Even the distinguished rector, Thomas Bacon, wove in a reference to the emissaries of the Roman Church in a letter of 1750, depicting the status of religion in Maryland, which called for the appointment of a bishop, or some officer properly empowered to cope with the religious condition in the colony.[77] It is very clear that

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[72] *Fulham Palace MSS No. 74* (Division of Manuscripts, Transcripts, Library of Congress).

[73] *Synodalia,* XX, 145-151 (Division of Manuscripts, Photostats, Library of Congress).

[74] See above Chapter 1, pp. 25-26.

[75] Henderson to the Lord Bishop of London, September 1, 1715. Perry, *Historical Collections,* IV, 79-80.

[76] *Ibid.,* 109-112.

[77] Mr. Bacon to the Secretary, August 4, 1750. *Ibid.,* 324-325.

Catholics did not constitute the real crux of the trouble.

During the administration of Governor Sharpe, the tendency to use fear of Catholics to further Anglican aims still persisted. Reverend Mr. Adams of Stepney Parish in Somerset County wrote to the Bishop of London to enlist sympathy against a move to curtail the income of Anglican ministers. He drew attention to a rising "uncertainty," if the royal establishment of the church could be thus attacked. He then added that, among other recognized enemies of the church, there were a great many Papists.[78] Adams had been in the province since 1704 and must have known the facts, but it is significant that he called attention to the presence and numbers of Catholics in conjunction with the plan he was sponsoring to prevent a diminution of his income.[79] Cradock, rector of the St. Thomas parish at the time of Sharpe, admitted that the Catholics were growing relatively more important, but placed no blame upon them.[80]

Under Sharpe, Henry Darnall of a Roman Catholic family, was attorney general for the province. He evidently aspired to a seat in the Council, and the story was abroad that Calvert was in favor of him. When he was recommended for the Naval Office at Patuxent, Sharpe was presented with a furious address against Roman Catholics by the Burgesses of the Assembly.[81] Darnall had previous to this taken the Anglican sacrament and all necessary

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[78] Cf. Letter to Lord Bishop of London, September 29, 1752. *Ibid.*, 327.

[79] Much of the trouble in the Anglican Church as a whole was perhaps due to personal ambition on the part of its leaders. At least the Bishop of London was accused of wishing "himself power to the hazard of his brethren being damned." A quotation found in Reba C. Strickland, *Religion and the State in Georgia in the Eighteenth Century* (New York: Columbia University Press, 1939), p. 50.

[80] See Sermon of Reverend Cradock in *Synodalia,* XXV, 180-194.

[81] Sharpe to Calvert, July 9, 1755. *Maryland Archives,* VI, 240.

oaths, including that of Test and Abjuration;[82] but even this failed to allay the feeling against him. The religion and education of his family were Catholic. The proprietor had evidently been advised, for in December, 1755, he directed Calvert to warn the governor against Jesuits and popish priests, and to require magistrates to punish their "transactions and offences agreeable to the laws."[83] Sharpe even earlier was fearful that a fiery persecution might ensue as a result of the Darnall incident, if the wishes of the Lower House were carried out. He refused to cooperate fully and took occasion in his letter to Calvert to speak a good word for the Papists.[84] But the Lower House was very persistent in its attempts to influence the governor against them. At last Sharpe answered the delegates with such "temper and coolness" as to discourage any further attempts of that nature. He informed them that he was willing to proceed against the Papists only when, after investigation, they were found guilty.[85] Shortly afterward a man apprehended at Fort Cumberland accused several Roman Catholics of malpractices. He was later proved to be a "most infamous and wicked Imposter." Sharpe used this incident to convince the proprietor that he was endeavoring to discover truth.[86] But rumors concerning two priests and a lay Catholic, supposedly imprisoned at Philadelphia for seditious practices, were sufficient to convince many people in Maryland that Catholics were behind a "horrid plot" that would shortly be brought to light.[87] John Beadnall of Queen Anne's County, clerk and Roman priest, was accused of trying to convert a Quaker to Roman Cathol-

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[82] *Ibid.*, 72.
[83] *Ibid.*, 323.
[84] *Ibid.*, 240.
[85] Sharpe to Calvert, May 5, 1756. *Maryland Archives*, VI, 408.
[86] Sharpe to Baltimore, February 4, 1757. *Ibid.*, 521.
[87] Sharpe to Calvert, November 30, 1756. *Ibid.*, 512.

icism and of saying mass in a private home. He denied the former and maintained the legality of the latter. He petitioned the proprietor to quash the indictment, or pardon him if convicted. The proprietor turned a deaf ear, pleading want of information. If Beadnall were convicted in the provincial court, he must submit to his punishment.[88]

The evidence seems conclusive that, until the Revolutionary movement was under way, Catholics in Maryland, during the Anglican ascendency, were subjected to all the irritations of religious prejudice. They were never sufficiently numerous to be a serious menace to established institutions, had they been inclined to work against either church or state. Of all the sects dissenting from the Established Church, they alone were disfranchised.[89] Only one school in the entire province was under their control. It was flourishing during the administration of Governor Sharpe.[90]

Further evidence that the attitude toward Roman Catholics stemmed from unjustified fears or religious prejudices can be found in the lack of interest taken by the S. P. G.[91] in the province of Maryland. This indifference is hard to explain, because the society's charter in 1701, and its library catalogue of recommendations to missionaries, indicate that one of its original purposes was to thwart the spread of Roman Catholicism and to propogate the gospel among the heathen.[92] Since by far the greater number of Roman Catholics in the American colonies were in Maryland, the Society's attitude can be

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88 Calvert to Sharpe, April 7, 1757. *Ibid.*, 540.

89 Gambrall, *Church Life in Colonial Maryland*, p. 99.

90 George Johnston, *History of Cecil County, Maryland* (Elkton, 1881), p. 201.

91 Society for the Propogation of the Gospel in Foreign Parts.

92 *A Collection of Papers Printed by Order of the S. P. G.* (London, 1788), 1, and 42-46. Jonathan Mayhew, *Observations on the Charter and Conduct of the S. P. G.* (Boston, 1763), pp. 17, 65.

explained only in one of two ways: either the Established Church could be counted upon to counteract Catholicism in the province, or the presence of Roman Catholics was not regarded as a menace. The weight of evidence seems to support the latter conclusion.

Although Anglicans and Roman Catholics constituted the vast majority of church members in Maryland there were several small groups of dissenters who occasionally presented problems for the civil government. Of these, before the opening of the Revolutionary War, the Quakers were perhaps the most numerous.[93] They had come early to the province,[94] but, as we have seen, had been handicapped because of their aversion to oath taking. Consequently, they found little opportunity for participation in public life.[95] According to official statistics there were only three thousand of them in Maryland by 1780.[96] The Act for the Establishment of the Church of England in Maryland granted them the privilege of making a solemn affirmation, or declaration, in lieu of taking an oath,[97] but they did not enjoy popular favor in the province during the colonial period. In spite of this, how-

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[93] It is impossible to give accurate statistics on the number of Friends in the colonies since "no census was taken" in Pennsylvania where the greatest number was found. R. M. Jones, I. Sharpless, and Amelia Gummere, *The Quakers in the American Colonies* (London, 1911), p. 524. Other authorities give their number in 1760 only as estimates, saying it is impossible to give accurate data. A. C. and R. H. Thomas, *The Society of Friends,* (American Church History Series XII, London, 1894), 236. That their number in Maryland was small in 1768 is clearly evident. James Bowden, *The History of the Society of Friends in America* (London, 1854), II, 377..

[94] T. C. Gambrall, *Church Life in Colonial Maryland,* p. 42; R. M. Jones, I. Sharpless, and A. Gummere, *The Quakers in the American Colonies,* pp. 276-277, 304.

[95] *Ibid.,* 329.

[96] *Ibid.,* Introduction xiv-xvi.

[97] Thomas Bacon, *Maryland Laws,* 1701/2 (Annapolis, 1765), Chapter I, Art. XXI. Also Assembly Proceedings, 1700-1704, *Maryland Archives,* XXIV, 273.

ever, the economic opportunities of Maryland attracted some important families.[98]

The Society of Friends had, with all other sects in the colonies, suffered a great decline in spirituality by the eve of the American Revolution. Just prior to the outbreak of hostilities, adherents of this faith had a distressing tale to tell of the status of their spiritual life. "Truth is at a low ebb," said one after a visit to Maryland, where he found himself in the midst of a "withered people."[99] Another of their leaders speaks of their number being small "and their zeal for the truth in general less than their numbers."[100] Still another found in 1765 and 1766 in Maryland and Virginia a lack of zeal, with a resulting lukewarmness and insensibility to spiritual things.[101] In 1767 John Churchman reported only small and dull meetings of the Friends in Maryland, and a lack of "solid elders" who had clean hands to carry on the needed discipline of the society.[102] On the whole during the Revolutionary War they were sympathetic to the patriot cause and were opposed to the establishment of the Anglican Church.[103]

The Presbyterians also were struggling for recognition in Maryland on the eve of the American Revolution. In its English environment Presbyterianism had been an uncompromising foe of Anglicanism. Its development in

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[98] For instance the Ellicott family of Ellicott Mills fame. M. E .Tyson, "Settlement of Ellicott Mills," *Fund Publications No. 4* (Maryland Historical Society, Baltimore), p. 26.

[99] John Churchman, *An Account of the Gospel Labors and Christian Experiences of a Faithful Minister of Christ* (Philadelphia, 1779), pp. 198-199.

[100] James Bowden, *The History of the Society of Friends in America*, II, 277; John Griffith, *Journal of the Life, Travels, and Labors in the Work of the Ministry* (Philadelphia, 1780), p. 370.

[101] *Ibid.*, pp. 371-382, 419.

[102] John Churchman, *An Account of the Gospel Labors and Christian Experiences of a Faithful Minister of Christ* (Philadelphia, 1779), p. 223.

[103] Oswald Tilghman, *History of Talbot County, Maryland* (Baltimore, 1915), II, 114

Maryland was often explained as a result of lack of vigilance on the part of the Established Church.[104] The Presbyterians, of course, had to submit, along with all other dissenting sects, to the double duty of supporting their own church and the Establishment,[105] but otherwise Presbyterianism had suffered little hindrance.[106] The truth regarding the denomination at the middle of the eighteenth century is hard to obtain, since there are no reports of a statistical nature prior to the organization of the General Assembly in 1789.[107] The few references to the spiritual status of the church prior to this date show alarm, both because of the low moral standards, and earnest efforts to effect a remedy[108] with but little success.[109]

Shortly after 1661, Presbyterians had settled in the lower parts of the Eastern Shore of Maryland, a region sometimes called the cradle of Presbyterianism in the United States.[110] Within two decades persecution of the Presbyterian Scotch-Irish in Ulster brought a number of them to Maryland. The need of more ministerial help caused them to write to the Irish Presbytery of Laggan. This presbytery had, because of the persecution, been

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104 No less a personage than Governor Sharpe shared the view that dissent was increasing in Maryland because of the condition of the Episcopal Church in the colony. Sharpe to Hamersley, June 22, 1768. *Maryland Archives,* XIV, 507. Cf. also Samuel Johnson to J. Camm, April 10, 1767. Herbert and Carol Schneider, *Samuel Johnson: His Career and Writings,* I, 398-399.

105 *Maryland Archives,* XIV, 507.

106 F. W. Loetscher, "Early American Presbyterianism," *The Presbyterian Historical Society Journal* (March, 1928), XIII, 25.

107 H. D. Funk, "Influence of Presbyterian Church in Early American History." *Ibid.* (April, 1924), XII, 52-53.

108 Records of the Synods of Philadelphia and New York held at Philadelphia, May 21, 1771. *Records of the Presbyterian Church in the United States* (Philadelphia, 1841), p. 426.

109 One instance is recorded where the number of times a Presbyterian minister could be drunk in a year without incurring dismissal. See *Presbyterian Historical Society Journal* (April, 1926), XII, 314.

110 Allen, *History of Maryland* (Philadelphia, 1886), p. 40.

broken up, and its Moderator, Francis Makemie came to Maryland about 1682. For some time he was unsettled and was more of an itinerant, roaming from South Carolina to New York combining a commercial interest with that of religion. As early as 1691, however, the center of his labor was at Rehoboth on the Eastern Shore of Maryland.[111] Here he organized a church which was one of many he raised up in the province. The American Presbyterian Church looks to Francis Makemie as its founder.[112]

While a resident of Pennsylvania near the Maryland line, Makemie organized a Presbyterian Church at Snow Hill, Maryland, which was perhaps the oldest in date of organization of any found within the Philadelphia Presbytery organized about 1706 with Makemie as moderator.[113] Shortly after he suffered persecution at the hands of the Church of England in New York for preaching without a license. In 1707, the year following, he defended himself successfully and was acquitted. The good showing he made at his defense trial contributed toward the recall of New York's Governor Cornbury in 1709.[114]

As early as 1711, the Reverend Mr. Adams of Stepney Parish in Somerset County warned the Secretary of the S. P. G. of the danger to the Established Church implicit in the dissenting opinions propagated by Presbyterian

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111 Thompson, Robert E., *A History of the Presbyterian Churches in the United States* (American Church History Series Vol. VI, New York, 1895), pp. 17, 18. Cf. also: Briggs, Charles A., *American Presbyterianism: Its Origin and Early History* (New York, 1885), pp. 116, 117.

112 Frederick W. Loetscher, "Early Presbyterianism" *Journal of the Presbyterian Historical Society,* XIII, No. 1, (March, 1928), 25. Thompson, *A History of the Presbyterian Churches in the United States,* p. 18. Cf. also: J. W. McIlvain, "Early Presbyterianism in Maryland," *Johns Hopkins University Studies in Historical and Political Science,* VIII, 313-345..

113 Loetscher, F. W., "Early Presbyterianism," *Journal of the Presbyterian Historical Society,* XIII, No. 1, (March, 1928), pp. 25, 26. Thompson, *A History of Presbyterian Churches,* pp. 18, 19.

114 *Ibid.,* p. 18.

preachers.[115] Even before 1724, the Scotch-Irish had settled near Nottingham and had founded there a Presbyterian church.[116] A little later Presbyterians settled in what was known as the Welsh Tract, where they erected a church at Glascow.[117] A small meeting house of Presbyterians was reported in 1739 in St. Stephen's Parish, Cecil County near the head of the Bohemia River.[118] At Rock a new Presbyterian church was erected in 1741. This congregation, as well as the one at Nottingham, was greatly influenced by the Great Awakening, dividing into "New Side" and "Old Side," as their religious sentiments inclined. The disquieting element was the preaching of George Whitefield, who visited Bohemia Manor in Cecil County, Maryland in 1740, and a little later, the Presbyterian congregations at Nottingham, Elkton, and Rock. The churches at Nottingham and Rock were rent in twain by his preaching. In the latter the two factions again united in worship in 1760, but at Nottingham the "New Side" declined after their leader, Reverend Mr. Finley, went to Princeton. The "Old Side" continued longer, but the pastor, John Beard, who came in 1762, could not get on with his congregation and was dismissed in 1771.[119]

Throughout the history of the Established Church in Maryland, fears were voiced of the danger from Presbyterianism. But the term is somewhat misleading and does not always refer to influences emanating directly from the Presbyterians. As early as 1718, Commissary Wilkinson was concerned lest the presbyterian principles of the men educated in Scottish universities become too prevalent among incumbents of church livings in Maryland. Vacant

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115 Perry, *Historical Collections,* IV, 64.

116 Johnston, *History of Cecil County, Maryland,* p. 155.

117 *Ibid.,* p. 165.

118 Parishioners and Vestrymen of St. Stephens to the Secretary, June 5, 1739. Perry, *Historical Collections,* IV, 320.

119 Cf. Johnston, *History of Cecil County,* pp. 277-284.

parishes he thought had better remain as they were rather than be filled by such men, since their training made them no real friends to episcopal government.[120] Wilkinson's fears were well grounded, but his advice went unheeded. By the time of Governor Sharpe, it was reported that one half of the parishes of the Established Church were served by clergymen so trained, and therefore of Presbyterian taint.[121] Because of its European background, where it suffered much because of the state, Presbyterianism injected a liberal spirit into politics and religion, which was often a source of annoyance to the strong supporters of the Establishment.

Since no statistical records were kept by Presbyterians before the American Revolution, it is impossible to determine their numerical strength in colonial Maryland. In 1760, at the time of the great fire in Boston, Governor Sharpe called for aid for the sufferers. In the amounts secured from various religious bodies in the province, the Presbyterians ranked third. At that, they fell considerably below the Anglicans and Quakers, but well above any other sect, including the Roman Catholics.[122] Many of them were transients and soon moved on into Virginia, North Carolina, and Kentucky,[123] but even so enough remained to be a real influence in certain communities.[124] In politics they were more active than any other sect of non-Anglican Protestants.

The Baptists, for example, were few in provincial Maryland. By 1701, a group of Welsh Baptists had settled on a

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120 Wilkinson to the Bishop of London, May 26, 1718. Perry, *Historical Collections*, IV, 108.

121 T. C. Gambrall, *Church Life in Colonial Maryland*, pp. 213-214.

122 This is of course a very unreliable criterian as to their numbers. The amounts given are as follows: Established Church, 1503 pounds; Quakers, 134 pounds; Presbyterians, 107 pounds; Roman Catholics, 76 pounds. Cf. Gambrall, *Church Life in Colonial Maryland*, pp. 45-46.

123 Johnston, *History of Cecil County*, pp. 291-295.

124 Barker, *The Background of the Revolution in Maryland*, p. 16.

swampy tract of land in Cecil County, known as the Welsh Tract, where Presbyterians, as already noted, later made some settlements. About 1704 they founded a Church upon Iron Hill, said to be the third Baptist church in America.[125] In 1709 a representative of the General Baptists visited Maryland. As a result of his labors, a church was organized at Chestnut Ridge in 1742;[126] but the denomination had no such growth in Maryland as in Virginia.

Another small sect which made its appearance in Maryland a few years before the Revolution was that known as Methodists. For some time they were looked upon as still connected with the Anglican Church. About fifteen years before hostilities broke out with the mother country, they were established in Maryland through the efforts of Robert Strawbridge, a lay preacher who came from Ireland. He built the log-meeting house on Sam's Creek, one of the early Methodist meeting houses in America.[127] About five years before the Revolution a number of Methodists appeared in Cecil County,[128] where a Mr. Wright preached their gospel, and organized in 1771 the first Methodist Society on the Eastern Shore of the province.[129]

Many of the Methodist clergymen were Tory in sympathy. Some were dispossessed of their Anglican livings and others abandoned them, during the stress of the Revolution.[130] By 1777 all had returned to England except the Reverend Mr. Asbury who, after a fine for preaching re-

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[125] Johnston, *History of Cecil County*, pp. 163-165.

[126] B. F. Riley, *A History of Baptists in the Southern States East of the Mississippi* (Philadelphia, 1898), pp. 20-21.

[127] Meredith, Wm. Henry, *Jesse Lee: A Methodist Apostle* (New York, 1909), pp. 27, 28. Abel Stevens, *History of the Methodist Episcopal Church in the United States of America* (New York, 1866), I, 71-73.

[128] Barker, *Background of the Maryland Revolution*, p. 17

[129] Johnston, *History of Cecil County*, pp. 439, 440.

[130] Cf. O. Tilghman, *History of Talbot County*, II. 113-114

tired into Delaware.[131] Progress of the sect came only after a better understanding of their principles was brought about through the influence of the revolutionary movements.

Two small dissenting groups found in Maryland, deserving mention, are the Puritans, who came in the middle of the seventeenth century, and the Labadists who arrived about a half a century later. Each group was comparatively small. The Puritans settled on the Severn River, and the Labadists at Weiwert on Bohemia Manor in Cecil County. Before the middle of the eighteenth century the latter had disappeared in America.[132] The Puritans at one time gained control of the Maryland government largely through the support of Independents and Presbyterians, sometimes classed as Puritans.[133] After this episode less is said of them as a group politically or religiously. Doctor Bray in his "Memorial Representing the Present State of Religion on the Continent of North America," about 1700, says little regarding non-Anglicans, except Papists and Quakers. In his "Present State of Protestant Religion in Maryland," he ignores dissenters entirely.[134]

In a well known description of religious conditions in Maryland during the colonial era, the dissenting groups are classified as Quakers, Presbyterians, Roman Catholics, Baptists, Dunkers, Lutherans, and "doubtless others."[135] The "others" are generally spoken of as the German element which was not influential during the first quarter of the eighteenth century. A few Germans, however, could be

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131 Johnston, *History of Cecil County,* p. 442.

132 Cf. Johnston, *History of Cecil County,* pp. 95-97, Allen, *History of Maryland,* p. 34, Faust, *The German Element in the United States,* I, p. 162, Footnote ♯2.

133 Above Chapter I, p. 11 with Footnote ♯47.

134 Cf. B. C. Steiner, *Thomas Bray: His Life and Selected Works,* pp. 157-173 and 174-176 respectively.

135 Gambrall, *Church Life in Colonial Maryland,* p. 212. This is approximately at the time of Governor Sharpe.

found in Cecil County, Maryland before 1660 and a little later in Anne Arundel County. There were Germans among the small sect of Labadists which entered Maryland about the end of the seventeenth century, but taken together their numbers were too small to be of any material influence in the colony at this period.[136]

The Germans played an important part in the settlement of western Maryland. They arrived there in 1729 and settled the town of Monocacy. In 1732-1734 they built the first German church in the province. Lord Baltimore offered very generous terms to induce them to settle permanently in his colony, and many did so.[137] Some, however, in Prince George County left the province because of what they felt were excessive fees demanded of them for overdue quit rents.[138] By 1745 about one hundred families of them founded Frederick Town. By the middle of the century they had settlements at Conogocheague and Graceham.[139] Approximately at this period occurred a considerable influx of Germans into western Maryland; twenty-eight hundred are said to have entered between 1748 and 1753. These came direct to Maryland from Germany.[140]

Apart from western Maryland, where agricultural pursuits attracted the Germans, the other center of their influence was Baltimore. Here they took an active interest in fostering the commercial aspects of the town and when it was incorporated in 1796 three of the first seven aldermen were Germans. Much earlier than this one of their num-

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[136] Faust, *The German Element in the United States* (New York, 1927) I, 161-163. See mention of Labadists above p. 82.

[137] *Ibid.* 167, 168.

[138] *Maryland Archives,* XXVIII, 421, 423.

[139] Faust, *The German Element in the United States,* I, 167-171. Nead, *The Pennsylvania-Germans in the Settlement of Maryland* (Lancaster, Pa., 1914), p. 61. Barker, *Background of the Revolution in Maryland,* p. 8.

[140] Faust, *The German Element in the United States,* I, 171, 172. Cf. Allen, *History of Maryland,* p. 63.

ber, Augustin Herman, founder of Cecil County and a patron of the Labadists, defended the rights of Maryland against neighboring colonies and later represented Baltimore in the General Assembly.[141]

In matters of church fellowship the Germans on the whole held divergent views, but their settlements in Maryland were quite devoid of sectarian influences. Governor Sharpe thought the majority of Maryland's Germans were Roman Catholics,[142] but in this it appears he was mistaken. Faust, in his excellent account of the German element in the United States, makes no mention of the founding of any German Catholic Church in the time of Sharpe and specifically states that by 1762, in Baltimore, one of their centers, the German Catholics were not numerous enough to erect a church of their own. By this time two German churches had been built here, but both were Protestant. The Germans in Maryland, according to Faust, were largely Lutherans and German Reformed.[143] Through Daniel Dulany they testified in 1749 to the proprietor that they were enjoying full liberty of conscience in matters of religion.[144] On the whole they did not refuse financial support to the Established Church.[145]

Although the influence of non-Anglicans in matters affecting the church-state relation seems to have been slight during the early part of the eighteenth century, their steadily rising numbers later in the century augmented the strife between the Anglican clergy and the Lower House. According to Jacob Henderson, commissary in 1718, dissenters were already powerful enough in the Assembly to prevent the passage of any law to

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141 Faust, *The German Element in the United States,* I, 163, 164, 176.
142 *Maryland Archives,* VI, 240.
143 Cf. Faust, *The German Element in the United States,* I, 164-171.
144 *Maryland Archives,* XLIV, 697.
145 Barker, *The Background of the Revolution in Maryland,* p. 25.

increase his authority.[146] While the really effective opposition to church policies in Maryland was apt to be found in the ranks of church members themselves, the presence of dissenting elements was often used by the more determined advocates of episcopacy as a means of promoting more efficient administrative procedures within the church.[147] This led to religious controversies among the Anglicans in the province. Although such controversies seldom, if ever, raise the spiritual tone of a church, they indicate a moral fibre that is lacking wherever no such disputes occur. In this respect the influence of dissenters placed the Established Church in Maryland in an advantageous position in comparison with that of Virginia. Anglicanism on the eve of the Revolution was probably less complacent, perhaps even more virile, in Maryland than in the Old Dominion.[148]

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146 Perry, *Historical Collections,* IV, 112.

147 For instance the lack of an American bishop or even commissaries was often said to be an aid to the development of religious dissent, and the Maryland clergy emphasized this aspect of the problem in stressing their need for one. H. L. Osgood, *The American Colonies in the Eighteenth Century,* III, 91, 465.

148 *Ibid.,* II, 11, and III, 99. Cf. also S. H. Cobb, *The Rise of Religious Liberty in America* (New York, 1902), p. 99.

CHAPTER IV

REVISING CHURCH-STATE RELATIONS

At the middle of the eighteenth century, Maryland was facing problems in both church and state of a convulsive nature. Though the church for some time had been under proprietary direction, it was not well prepared for the ordeals ahead. Accustomed to lean heavily on state support, it faced almost insuperable obstacles when the proprietary strength in the province began to fail. In this time of need, the Establishment keenly felt the lack of strong clerical leadership within the ranks of its own constituency; and consequently it suffered a diminution in its ability to maintain itself.

A dark picture of religous conditions in Maryland during this period is given by Thomas Bacon, an Anglican clergyman.[1] Politics, he said, was absorbing the attention of the people, and "New Light" preachers were troublesome near the Pennsylvania border. Every clergyman of the Established Church did as he pleased without fear of the consequences.[2] One church leader felt that he and his colleagues were handicapped by living so far apart from each other and by the fact that the governor had failed to call them together to discuss their religious problems. Added to this was the knowledge that Papists, Quakers, and dissenters were increasing, and the belief that now both houses of the Assembly would be satisfied

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[1] August 4, 1750. William S. Perry, *Historical Collections,* IV. 324-326.

[2] *Ibid.* "New Light" refers to followers of Whitefield and Tennent. They had experienced the new birth of religious fervor fostered by the Great Awakening. Cf. W. M. Gewehr, *The Great Awakening in Virginia,* 1740-1790 (Durham: Duke University Press, 1930), p. 45, and Footnote #28.

with nothing less than the ruin of the Established Church.[3]

Where the real difficulty lay seems to have been recognized by some of the clergy. While the colony was still agitated by the controversy over ministers' salaries, an appeal was made to the Bishop of London to send over as ministers a class of men better than those given to drinking, card playing, and loose living. The latter, it was said, advanced the cause of Catholics and Deists. The trouble was to be found, according to clergymen, in the proprietor's exercising the power of induction to all church livings.[4]

While Governor Sharpe may have administered affairs of the church with an eye to the political aspects involved,[5] nevertheless he was aware that the scandalous conduct of many of the ministers needed correction. He cited as an example the case of one who, though he had escaped the fate of a murderer, nevertheless received while in prison his thirty pounds per poll as regularly as if he were functioning in his parish.[6] Sharpe thought a system which offered to deserving clergymen the prospect of promotion to better livings, would be conducive to higher standards in general. This plan he tried out, evidently with the proprietor's approval. He now made a further suggestion. From each incumbent he would require a bond for good behavior before inducting him into his living. He submitted his plan to the proprietor. Lord Baltimore, however, disapproved, fearing that Sharpe's method would lead to controversy with both the Maryland clergy and the

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[3] Rev. Alexander Adams to the Lord Bishop of London, September 29, 1752, and October 18, 1752. William S. Perry, *Historical Collections.* IV, 327-329.

[4] Appeal dated August 27, 1753. *Ibid.,* 331-332.

[5] Gambrall, *Church Life in Colonial Maryland,* p. 236.

[6] Sharpe to Calvert, February 10, 1754. *Maryland Archives,* VI, 38.

Bishop of London. The proprietor was considering a system of his own to regulate the clergy, under the authority of his charter and with advice of the bishop.[7] Whatever was contemplated in the plan, it never was put into practice in the province.

While the governor and the proprietor were attempting to devise an effective method to control the behavior of clerical offenders, most of the clergy were still at variance with the legislature because it had reenacted in 1752 the Act of 1747 regulating the staple of tobacco. It was to be in force five years. By this time the clergy were well aware of the attitude of the Assembly toward them. The Reverend Mr. Adams, Rector of Stepney Parish, Somerset County, informed the Bishop of London in 1752 of a supposed design in both houses to ruin the constitution of the church.[8] In the same year, four rectors from the eastern shore sent a petition asking the Bishop to see that no act of the Maryland Assembly be allowed to become law that would in any way lessen the income of the clergy. Such an act, they intimated, would be detrimental to the Establishment.[9]

At about this time Sharp learned that trouble was brewing in the Coventry Parish in Somerset County. The rector was a Reverend Mr. Whitaker whom the governor described as an abandoned character. Sharpe wrote at once to Baltimore asking the proprietor to remove him. If the proprietor would but take the necessary steps, the governor intimated, this would be possible.[10] Sharpe's interpretation is at least an enlightening commentary upon the possibilities of the Maryland system of church administration. The tragedy seems to be

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[7] *Maryland Archives*, VI, 38, 60-61, 129.

[8] Perry, *Historical Collections*, IV, 329.

[9] *Ibid.*, 330.

[10] Sharpe to Baltimore, June 6, 1754. *Maryland Archives*, VI, 69. Cf. also

that the proprietor failed to take the necessary steps. He perhaps feared he would alienate the support of the whole body of Maryland clergy, as well as that of the Bishop of London. Lord Baltimore was conversant with the attitude assumed by the church toward lay interference in episcopal discipline; but the results of his failure to act, if the power to remove an inducted minister was within his province, were far greater than he anticipated.

Sharpe was fully aware of the character of Whitaker,[11] and his failure to induce the proprietor to remove the clergyman caused the vestry of the Coventry parish to attempt to force their rector to resign by withholding his annual stipend. A legal battle convinced them of the futility of this method, however, and in time they yielded.[12] Whitaker held his living until his death in 1766.[13]

After the parish became vacant several parishioners wrote the governor requesting that any minister sent to them be placed on a trial basis.[14] The precedent for such an arrangement had already been set. Practically a decade earlier, in a postscript to a letter to Sharpe, Calvert had indicated that such a method was at times quite the proper one to follow.[15] In November, 1744, the vestry, church wardens, and parishioners of St. Mary Ann Parish, in Cecil County, had petitioned Governor Thomas Bladen to be allowed to have a minister on trial. It appears that a former governor had granted such a petition, but Bladen did not.[16] Sharpe followed the example of

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Sharpe to Calvert, February 10, 1754. *Ibid.*, 38.

[11] *Ibid.*, 69.

[12] *Ibid.*, XXXII, 225-226.

[13] *Ibid.*, XIV, 480.

[14] *Ibid.*, 349-350.

[15] The letter appears to have been written under date of March, 1755. *Ibid.*, VI, 187-188.

[16] Johnston, *History of Cecil County*, p. 221.

Bladen and refused to accede to the request of the parishioners of Coventry. Sharpe's acts were usually motivated by political considerations, and in the Coventry case he was fearful of the ultimate effect of such interference by the laity.

The vestry apparently wanted to be fair. In 1767 they wrote to the governor again, fearing that someone had prejudiced him against them. They informed Sharpe that they had made their request before Whitaker's death, and admitted that their experience with him might have influenced them. It was their belief, however, that not more than one minister in seven was any better than Whitaker. In this they might have been mistaken, as their knowledge was based on their limited experience. Nevertheless, that experience was real, and not easily forgotten.

One factor in the negotiation with the governor may have caused the decision to go against the vestrymen. They had laid down the principle that no one should be stripped of his substance without consideration. This of course was an allusion to the thirty-pound poll requirement for support of ministers over whom they could exercise no control. In the secular field, they intimated, everyone was at liberty to share in the contract that bound him, and the need for such was more emphatic in the realm of religion. Granted they had no right of presentation or induction, the parishioners felt they at least had the right of rejection. This right they maintained was theirs on the basis of advowsons. On further consideration, they come to the conclusion that the right of presentation also reposed in the people of the parish, and that it was not nullified because of disuse in the past. They were ready to enter the courts to obtain their rights.[17] But Sharpe refused their request and

[17] For details cf. Vestry of Coventry to Sharpe (1767?). *Maryland*

informed them that he would choose their minister for them.[18]

At the death of Whitaker, Sharpe had suggested a Mr. Read as curate until he could provide a rector for the parish. The parishioners opposed Mr. Read, so Sharpe inducted a Mr. Ross. Again objections were raised. Ross was on good terms with the people of All Hallows Parish where he officiated and decided not to go to Coventry where he was not wanted.[19] The whole parish of Coventry was in despair since they claimed to know Ross as a man of bad character. He was a "by word" to all who knew him, they said.[20] On the refusal of the parish to accept Ross, Sharpe inducted Thomas Hughes. Hughes had come to Sharpe highly recommended by General Gage and others of high rank.[21] For a time, the governor heard no more of the matter and thought that the rector had entered peacefully into his new field of labor. From this complacent attitude he was rudely awakened. The new rector went to his church only to find the door locked. A crowd had gathered to prevent his entrance. He was informed that the vestry would accept him as a reader, since they were unacquainted with his past. This would have been the trial method for which they were contending. Hughes refused to come as a reader, but complimented the parishioners on their stand. He then informed them he would return home but failed to do so. He later entered the church by breaking down the door.[22]

In a remonstrance to the Governor, Hughes presented his views on the affair. While at the church he was in-

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Archives, XIV, 363-369.

[18] *Ibid.,* 365, 480.

[19] *Ibid.,* XIV, 480-481.

[20] Above page 90, Footnote # 17.

[21] *Maryland Archives,* XIV, 480, 481.

[22] *Ibid.,* 367-369.

formed, so he said, by a Mr. William Allen, who had been appointed commissioner of peace for Worcester County, that he must resign the governor's induction and take one from the people. If the people elected him as their rector, all would be well, since they were the real patrons. If the rector came to them on this principle, the people would pay him his salary, lacking one pound of tobacco, but they would receive "no clergymen without their election." Hughes reported the meeting as a disorderly mob of about two hundred members who threatened to shoot him if he entered the church. While at Annapolis he learned that his friends were under a threat of having their houses torn down, and that one thousand men were ready to carry it out.[23]

Until this time the parishioners of Coventry Parish were willing to test their rights in the courts, but events crowded for a decision. While in Annapolis, Thomas Hughes had sought the advice of Daniel Dulany, the leading lawyer of the province. He had evidently been asked to write an opinion on the matter of "Hughes vs. the Coventry Parish," which he did. Dulany decided that "when a regular minister is appointed by the governor, the consent or admission of the vestry is not called for; on the contrary it is unnecessary."[24] This decision was as fuel to the flames. The opponents of Hughes commented at once in a Report to the Governor. After a very brief statement, they asserted their determination to stand for their rights and, if necessary, to meet "force by force."[25] The Coventry parish had anticipated the spirit of "seventy-six." It was a spirit among the parishioners working in conjunction with that earlier manifested in the Lower House of the province. Sharpe in

[23] Remonstrance of Hughes, *Maryland Archives*, XXXII, 222-224.
[24] D. Dulany's Opinion, 1767. *Maryland Archives*, XXXII, 224-227.
[25] Report of Coventry Parish on Daniel Dulany's Opinion. *Ibid.*, 229-231.

1758 was convinced that the Assembly was trying to get power into the hands of the people,[26] and Cecil Calvert in a letter to Sharpe one year later expressed the opinion that the Lower House was determined to strip Lord Baltimore of the right of appointments.[27]

The case of "The Coventry Parish vs. the Right of Appointment of a Rector by the Governor and Proprietor" rested, when the Council advised Sharpe to remove William Allen as commissioner of peace for Worcester County.[28] Allen had led the fight against Hughes. The Council also directed the sheriff of Somerset County to collect the thirty pound per poll stipend for Read, appointed by Sharpe as curate for the Coventry parish. Read was to give security to indemnify the sheriff if necessary.[29] As for the parish, it remained in the original position of accepting a minister on a trial basis, or one named by themselves whose record they knew. The vestry wanted a man of good morals and ability and expressed to Sharpe a preference for either the Reverends Messrs. Edmondson or Claget. When Doctor Chandler visited Maryland earlier, the Coventry parish had evidently tried him out and liked him. Sharpe, however, refused to concede to their wishes and induct any of these as their rector. His hasty induction of Hughes without waiting for the approbation of the proprietor, was proof that he gave no countenance to their claims to the right of patronage.[30]

In the meantime, a case similar in nature and of even wider repercussions had forced itself upon the attention of the Maryland governor. To the province already sur-

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[26] Sharpe to Baltimore, May 14, 1758. *Maryland Archives,* IX, 177, 178.
[27] Calvert to Sharpe, March 17, 1759. *Ibid.,* XXXI, 509.
[28] *Ibid.,* XXXII, 231.
[29] *Ibid.,* XXXII, 219-220. Read, it will be remembered, had not been accepted by the vestrymen.
[30] *Ibid., XIV,* 480-481.

charged with hostility toward the clergy, came Bennet Allen, a clergyman for whom the proprietor had very high regard.[31] He was frankly seeking an induction to the best living available. His presence soon brought anxiety to the governor, who nevertheless was willing to make every possible concession in order to pacify him and to please Lord Baltimore. The proprietor had assured Sharpe that Allen would stand high with the rest of the clergy.[32]

At Allen's request, Sharpe inducted him to St. Anne's Parish,[33] as he preferred this to any other vacant at the time, and in addition wished to locate on the western shore. But he soon evinced dissatisfaction and asked that he be given two livings. The respect paid a clergyman in Maryland, he insisted, depended on his income.[34] He was aware that a law passed in 1702 provided that no incumbent could hold two livings without the consent of the people of both parishes;[35] but he could not obtain such consent. Governor Sharpe then consulted Walter Dulany, a leading lawyer of the province, regarding the legality of holding two parishes. When Dulany held it to be illegal, Allen was so enraged that he suggested to one of his servants that he kill Dulany. The servant refused and later confessed the plot.[36] Sharp at one time was not opposed to Allen's holding two parishes, but feared the Assembly would "stir things" when they heard

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[31] Baltimore to Sharpe, August 2, 1766, and November 6, 1766. *Ibid.*, XIV, 323 and 341 respectively. Also Baltimore to Sharpe, November 2, 1766. *MS Collection, Portfolio ♯ 4, M. H. S. Document No. 32(m)* (Hall of Records, Annapolis).

[32] *Ibid.*

[33] *Maryland Archives,* XIV, 381.

[34] *Ibid.,* 458.

[35] *Ibid.,* 373.

[36] Sharpe to Hamersley, November 27, 1767. *Ibid.,* 460, and Letter to Walter Dulany, September 18, 1770. *MS Collections, Dulany Papers,* Box II, No. 53 (Maryland Historical Society, Baltimore).

of it.[37] The quarrel with Dulany was already a public matter, since Allen wrote his account of the affair in the columns of the *Maryland Gazette*, where he signed himself "Bystander." His opponents appeared also in the same publication; and Sharpe admitted he could not control the parties.[38] Allen later forced a challenge from Lloyd Dulany and killed him in a duel in Hyde Park, London.[39]

At the time that Allen was given the parish of St. Anne, Sharpe also gave him a license to officiate in St. James Parish as a curate. But Allen was dissatisfied and wanted an induction to the parish. Mr. Samuel Chew was a vestryman of St. James and at first agreed to vote for Allen as rector. He later changed his mind. When Allen blamed Dulany for Chew's change of sentiment, the latter absolved Dulany of all responsibility. He swore that he had had no conversation with Dulany on the matter. Chew also called Allen a "damned scoundrel."[40] For some time Chew had occupied a pew in the St. James parish church next to the "aulter," for which he had paid fifteen pounds current money.[41] But this did not give him the grace needed to settle quietly his trouble with Allen. Two years later in response to a challenge from the minister, Chew went to the dueling ground to settle the quarrel on the field of honor. Best accounts are that no encounter took place.

Allen now held two parishes. In one he officiated as rector and in the other as a curate. Sharpe was willing to make up to Allen any financial loss incurred if he would release one of his parishes in order to avert trouble with

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[37] *Maryland Archives*, XIV, 410.

[38] Sharpe to Baltimore, March 31, 1767. *Ibid.*, 481-482.

[39] Barker, *Background of the Revolution in Maryland*, p. 288.

[40] *Maryland Archives*, XIV, 465-467.

[41] Gambrall, *Church Life in Colonial Maryland*, p. 257.

the Assembly.[42] Soon a letter reached Sharpe from Hamersley, secretary to Lord Baltimore for the Maryland province, expressing much concern that Allen was still dissatisfied, and reiterating the proprietor's regard and friendship for the minister.[43] Allen had done his best to induce the governor to allow him plurality of livings. He even presented to Sharpe a lengthy discussion showing why the question was one for the proprietor to settle rather than for the vestries concerned.[44] If the governor was convinced, he did not think it expedient to ignore the Assembly. He feared that an induction to two church livings, without the consent of the vestries concerned, would make a "stir in the country"[45] and create a "new flame in the Country that will not be soon extinguished;"[46] but later Sharpe succumbed to the pressure and inducted Allen to All Souls Parish on the death of Reverend Thomas Bacon. Allen's conduct, however had been such that the people refused him admittance to the church, and he was forced to use a ladder to gain entrance. During the sermon the tumult increased, until he resorted to the use of his pistol in order to quell the mob.[47] The worst fears of Governor Sharpe regarding the effect of the Allen episode were realized. The rector became engaged with the whole province over the question of pluralities.[48]

The Allen episode and the quarrel between the clergy and the Coventry parishioners make it possible to understand the comments of an Anglican minister who, after a visit to Maryland, wrote that of the forty-five clergymen

[42] Sharpe to Baltimore, October 29, 1767. *Maryland Archives*, XIV, 425.
[43] Hamersley to Sharpe, November 10, 1767. *Maryland Archives*, XIV. 432-433.
[44] *Ibid.*, 437, 456.
[45] Sharpe to Allen, November 26, 1767. *Ibid.*, 459.
[46] Sharpe to Hamersley, November 27, 1767. *Ibid.*, 461.
[47] Allen to Sharpe, June 6, 1768. *Ibid.*, 501-503.
[48] Sharpe to Hamersley, May 27, 1768. *Ibid.*, 499.

in the province, only five or six were of honorable character. The rest, he said, were referred to by the inhabitants of the colony in terms that would "make the ears of any sober heathen to tingle."[49] Some of the incumbents of church livings, according to the governor himself, were old and infirm and consequently incapable.[50] The conditions that obtained convinced the better element among the clergy,[51] as well as the Assembly and people, that some plan must be devised to rectify matters.[52] To work out a satisfactory solution was as difficult as in the earlier decades, when lack of agreement on a method of procedure characterized the activities of proprietor, governor, and clergy,—all friends of the establishment. The condition in the church emphasized the need for local action, and the legislature, echoing the opinions of the people, resolved to end the evils by abolishing all pluralities and punishing bad clergymen.[53] The clergy at once denounced the plan as being Presbyterian[54] and revived their demand for an American episcopate.[55] Interest invites to a study of this important movement as it applies to Maryland.

The desire for a bishop resident in America was of long standing.[56] Throughout the eighteenth century until the

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[49] T. B. Chandler to Samuel Johnson, June 9, 1767. Herbert and Carol Schneider, *Samuel Johnson: His Career and Writings,* I, 407-408.

[50] Sharpe to Baltimore, July 27, 1767. *Maryland Archives* XIV, 410.

[51] Sharpe to Hamersley, June 22, 1768. *Maryland Archives,* XIV, 508.

[52] Hugh Neill to Lord Bishop of London, September 20, 1768. Wm. S. Perry, *Historical Collections,* IV, 337-338. F. L. Hawks, *Contributions to Ecclesiastical History,* II, 253.

[53] F. L. Hawks, *Contributions to Ecclesiastical History,* II, 253.

[54] *Ibid.,* Hugh Neill to Lord Bishop of London, September 20, 1768. William S. Perry, *Historical Collections,* IV, 337-338. Cf. Rev Clagett to Lord Bishop of London, September 20, 1769. *Ibid.,* 340-341.

[55] Maryland Clergy to Archbishop of Canterbury, September 15, 1770. *Maryland Archives,* XXXII, 379-381, 383, 384.

[56] Even as early as 1638 the sagacious and unscrupulous, Laud, Archbishop of Canterbury, had such a scheme under consideration for New England, but disturbances in Scotland prevented its consummation. Ernest

outbreak of the Revolutionary War, such Anglican leaders as Tenison, Sherlock, and Secker worked for the ideal.[57] In Maryland at the beginning of the century, several clergymen of the Established Church expressed their willingness to pay a tenth of their income to support an American bishop,[58] but all these attempts proved abortive, and from 1734 to the outbreak of the Revolution there was in the colony no episcopal authority. There had, in fact, been none during the entire history of the Established Church. At the time the Establishment was created in Maryland, commissaries had been appointed. These church officials were representatives of the Bishop of London, but none of them exercised full episcopal authority at any time. After Henderson, as sole commissary for the province, resigned in 1734, the office was never revived in Maryland; and the Bishop of London admitted that he had no supervision of the colonial clergy as a whole.[59] For some time past he had been trying to pass off his functions regarding America to a native episcopate.[60] This unfortunate condition was pregnant with results that in no way enhanced the prestige of the Maryland clergymen, among whom could be found far too many of low moral character. This caused the better element among them to desire a resident bishop as a disciplinary necessity,[61] but their arguments failed to con-

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Hawkins, *Historical Notices of the Mission of the Church of England in the North American Colonies,* p. 376.

[57] Mellen Chamberlain, *John Adams: Statesman of the Revolution* (Boston, 1884), pp. 24-25.

[58] Ernest Hawkins, *Historical Notices of the Mission of the Church of England in the American Colonies,* p. 377.

[59] N. D. Mereness, *Maryland as a Proprietary Province,* pp. 450-452.

[60] Bishop of London to a Connecticut Clergyman, February 18, 1765. A. L. Cross, *The Anglican Episcopate and the American Colonies* (New York, 1902), p. 234, Footnote # 4.

[61] Addison to the Bishop of London, October 29, 1766. William S. Perry, *Historical Collections,* IV, 334.

vince the authorities in England. Some of the latter feared the political storm such a move would arouse.[62]

In the early years of the reign of George III the Church of England in New York, New Jersey, and Connecticut, was organizing to cement interest at home and influence friends abroad.[63] Its efforts attracted the attention of Samuel Adams, who attempted to check the movement through the Massachusetts agent in England.[64] Since approximately at this time there came a renewed interest in the movement for an American episcopate, it was generally assumed that back of the scheme were the political aspirations of the Anglicans. As relations between the home government and the colonies grew more strained on the eve of the American Revolution, the King's ministers came to fear the political repercussions which might result from the consecration of a bishop for the American colonies. In England this led to suggestions as to how this political aspect could be obviated,[65] and in the colonies to the

[62] So much opposition to the plan of an American Episcopate reached the ears of Walpole that he felt the move lacked any real earnest appeal. *A Critical Commentary on Archbishop Secker's Letter to the Right Honorable Walpole Concerning Bishops in America* (London, 1770), p. 64. At heart Walpole had been opposed to the project. *Ibid.*, p. 38. When the Bishop of Landaff urged the appointment of an American Bishop, a perfect storm of protest was seen in the newspapers of the day against Parliament acceding to the request. William Nelson, "American Newspapers of the Eighteenth Century as Sources of History." *American Historical Association, Annual Report, 1908,* I, No. 12, p. 218.

[63] A. L. Cross, *The Anglican Episcopate and the American Colonies* (New York, 1902), p. 216.

[64] Samuel Adams to the Massachusetts Agent in England, 1768. Mellen Chamberlain, *John Adams: Statesman of the American Revolution* (Boston, 1884), p. 25. Boston looked upon the project of an American Episcopate as a design against our "civil and religious rights." See "List of Violations of Rights Adopted by the town of Boston," November 20, 1772. H. L. Cushing, *Writings of Samuel Adams* (New York, 1906), II, 350, 368.

[65] To mitigate objections, Doctor Butler, Bishop of Durham, laid a plan whereby the colonists would not be chargeable financially with the project and whereby New England, stronghold of both political and religious dissent, would not be under any Episcopal jurisdiction. The church had come to realize the opposition to the scheme was largely political. Cf. *Collections of the Protestant Episcopal Historical Society for the Year 1851,* I, 143.

reiteration of logical reasons in defense of the plan.[66]

At first on the whole the Anglican laity, though manifesting no deep concern, had cooperated with the clergy, generally supporting projects for episcopal ordination in America which had the approval of the successive Bishops of London.[67] In Maryland, as late as the beginning of the eighteenth century the clergy could still rely upon their parishioners in demanding the consecration of an American bishop, although the former were leading out in the project.[68] It was then generally believed that only missionary zeal had motivated the sponsors of the demand for more effective episcopal control, and this concept prevailed until after 1750.[69] Later no such harmony of opinion existed as the political aspects of the project became more prominent.

In 1768 the Lower House of the Maryland Assembly displayed a rising spirit of hostility to the Anglican clergy, which led to proposals whereby the political influence of the Establishment might be restricted. The temper of the legislators caused the churchmen to postpone their de-

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[66] The arguments on the dangers and expense attendant on a trip to England for episcopal ordination were all put forward in defense of the demand for an American episcopate. The mortality rate of those who braved the voyage was about one in five. Samuel Johnson to Doctor Bearcroft, November 10, 1753. Herbert and Carol Schneider, *Samuel Johnson: His Career and Writings,* I, 170. Samuel Johnson to Secker, May 2, 1776. *Ibid.,* 361. *Collections of the Protestant Episcopal Historical Society for the Year 1851,* I, 149. "Address of P. Slaughter," *Addresses and Historical Papers Before the Centennial Council of the Diocese of Virginia* (New York, 1885), p. 45.

[67] Ernest Hawkins, *Historical Notices of the Mission of the Church of England in the American Colonies* (London, 1845), p. 400; F. L. Hawks, "Efforts to Obtain an American Episcopate Before the American Revolution," *Collections of the Protestant Episcopal Historical Society for the Year 1851* I, 140. For Virginia Cf. A. L. Cross, *An Anglican Episcopate and the American Colonies* (New York, 1902), p. 230.

[68] Ernest Hawkins, *Historical Notices,* pp. 377, 388.

[69] A. L. Cross, "Schemes for Episcopal Control in the Colonies," *American Historical Association Report for Year 1896,* I, 237.

mands.[70] In Virginia, likewise the Anglicans were thrown into confusion, for the House of Burgesses went on record in opposition to the scheme for an American bishop.[71] This political trend in the colonies in part reflected the developments in England, where the dissenters were powerful enough to persuade members of the House of Commons not to press for the Anglican proposals.[72] In Maryland, the situation was particularly acute. There the episcopal question tended to drive a wedge between the proprietor's support of the clergy and his desire to hold the Assembly in line. In the end the government cautiously avoided committing itself to those in the Established Church who were most eager for the creation of an American bishopric.

It was difficult for the Maryland clergy to reach an agreement on ecclesiastical questions. After the commissary's office lapsed there was no central agency for the exchange of opinions, and formulation of policy. The last visitation by Commissionary Henderson had occurred on the western shore on July 21, 1731. At this time Lord Baltimore was having trouble with the new Bishop of London, Reverend Mr. Gibson, over his charter rights. The proprietor maintained the charter gave him the right of church discipline,[73] an interpretation not accepted by the Bishop. Even earlier, Henderson had been in conflict with the governor over disciplinary matters pertaining to church administration. At that time the Bishop of London sup-

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[70] Cf. Sharpe to Baltimore, June 23, 1768. *Maryland Archives,* XIV, 510.

[71] *Collections of the Protestant Episcopal Historical Society for the Year 1851,* I, 156. This action clearly shows the accepted view that politics was back of the project. Virginia's action at this time is an evidence of the disintegration from within of the church-state system in the province. Sadie Bell, *The State, the Church, and Education in Virginia* (Philadelphia, 1930), p. 89.

[72] *Collections of the Protestant Episcopal Historical Society for the Year 1851,* I, 146.

[73] *Synodalia.* XXIII. 164

ported the governor. In the tangle of interests, Henderson failed to get his commission verified by the King, a handicap he greatly felt. After his resignation, the absence of any recognized episcopal leadership for the clergy tended to discourage general meetings, and none were held before 1753. Under date of July 28, 1752, Lord Baltimore wrote Reverend Thomas Bacon, rector of All Saints Parish, of his interest in the Anglican clergymen. In September, Cecil Calvert wrote in the same vein. Encouraged by these messages, and induced perhaps by a desire to get some problems before the attention of the new governor, Horatio Sharpe, the clergy assembled in a general meeting on August 23, 1753.[74]

In this meeting the clergy followed the familiar trail and attempted, through a recourse to religious prejudice, to lay the groundwork for their real objective. As we have already seen, fear of Papists had often been used as an argument supporting the need for an American episcopate.[75] At this meeting the clergymen spent much time debating the subject of popery. Though their address to the Proprietor contained no denunciation of Catholics, the one sent to Governor Sharpe showed their fears of papal influence in the province.[76] For a second general conference held the following October there are no records available, but Governor Sharpe reported that Reverend Thomas Cradock addressed the Maryland Assembly, stressing the shortcomings of his clerical brethern. His discourse was strongly anti-Catholic in tone, but he admitted that the danger to the Established Church was not from Papists. Rather it was from the irreligious and evil lives of Anglican clergymen, which called for some form of episcopal discipline. While some members of the Lower House were

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[74] *Synodalia,* XXIV, 164-165.
[75] Above Chapter III pp. 69, 71.
[76] Cf. *Synodalia,* XXIV, 165-175.

quick to seize upon his statements to justify further restrictions on Catholics, a move circumvented by Sharpe. Cradock's real purpose was to create opinion favorable to the establishment of an American episcopate. Lord Baltimore became uneasy over the matter; and Governor Sharpe prohibited clerical meetings.[77]

The demands for an American bishop however had not been silenced. Reverend Henry Addison, an Anglican, writing to the Bishop of London under date of October 29, 1766, pointed out the danger to the Established Church unless episcopacy were strengthened as a curb on delinquent clergymen. It is significant that the very next year a call for a meeting of the Maryland clergy to consider the question of a Bishop for America, came by way of clergymen of New York and New Jersey. Sharpe refused to allow the Maryland clergy to assemble, suggesting instead that the personal opinion of each clergyman on the subject be separately obtained.[78] An attempt was later made to do this.[79] Sharpe was fearful of political repercussions and felt the plan for an American bishop would not be supported by the people.[80]

Denied the privilege of a general meeting, many of the clergy voiced great concern regarding the church. In 1768 the Reverend Hugh Neill of St. Paul's Parish in Queen Anne's County informed the Bishop of London of his fears that ecclesiastical discipline was about to slip away from the church and into the hands of laymen. He knew that a bill for the establishment of a church court composed of the governor, three laymen, and three clergymen, had escaped

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[77] *Synodalia,* XXV, 177-195.

[78] *Ibid.,* 196-197.

[79] Below, p. 106.

[80] Sharpe to Baltimore, June 11, 1767. *Maryland Archives,* XIV, 401. Cf. also A. L. Cross, *The Anglican Epsicopate and the American Colonies,* p. 261, and B. C. Steiner, *Life and Administration of Sir Robert Eden* (Baltimore, 1898), p. 33.

passage only by the failure of Governor Sharpe to approve. As Sharpe's recall was anticipated, Neill implored the bishop to see that the new governor was likewise instructed to withhold his approval from any similar law.[81] When Robert Eden succeeded Sharpe the clergy had an opportunity to call another general assembly. The consecration of a resident American bishop was to the majority of them still "a consummation devoutly to be wished." They were now, however, careful to veil their hopes in a move for a different objective.

At their convocation in November, 1769, they considered a plan to obtain from the legislature permission to incorporate a society to aid distressed widows and children of clergymen of the Church of England. They presented to the new governor a petition asking for such authorization; and the governor promised to use his influence with Lord Baltimore.[82] In July of the following year, the clergy met again at Annapolis to ascertain if the charter for their new Society had arrived. Informed by the governor that it was expected daily, they took up the matter of an American bishop. In a letter to Governor Eden, they pointed out the growth of non-Anglican sects in the province, with the resultant challenge to the proprietor's right of presentations to church livings. Again they went on record against any Presbyterian court. Not certain that they would be able to persuade the governor, they sent a petition to the King, pledging him their loyalty and stressing the current dangers to the Established Church. They then requested a bishop and expressed their willingness to contribute financial aid.

The petition to the proprietor was even stronger in tone, stressing the imminent dangers to the Established Church. Clerical usefulness in Maryland, they suggested, depended

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[81] Perry, *Historical Collections,* IV, 337-338.
[82] *Synodalia,* XXVI, 205-207.

upon a state-supported church.Sectaries were increasing to the extent that both civil and ecclesiastical establishments were in danger. Messages of the same import were sent to both the Archbishop of Canterbury and the Bishop of London.[83]

By this time a rift had appeared between laity and clergy regarding the attempt to secure a resident bishop for the colonies, a rift which extended into the ranks of the clergy themselves. It was felt in Maryland when two clergymen of the Established Church addressed a letter to Walter Dulany, one time commissary general of the province, opposing the establishment of an American episcopate. They styled such a proposal a "hellish machination of High Church (or rather no church) Ruffians."[84] Bishop White felt that such opposition to an American episcopate revealed an intolerant spirit. Undoubtedly this was in part true as regards the arguments advanced by non-Anglican groups. But in the colonies in general, where it was felt that political intrigue was back of the project,[85] opposition to the plan was not confined to dissenters. As Boucher himself said, the opposition to a resident bishop came from within the Episcopal house itself.[86] This factor was evident in Maryland at this period and tended to curtail the influence of the church in

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[83] *Ibid.*, XXIX, 212-217.

[84] Reverend John Gordon to Walter Dulany, October 11, 1770. *MS Collection, Dulany Papers,* (Maryland Historical Society, Baltimore).

[85] *Collections of the Protestant Episcopal Historical Society for the Year 1851,* I, 150.

[86] "On the American Episcopate," Jonathan Boucher, *A View of the Causes of the American Revolution* (London, 1797), p. 94. Even the Anglican minister Chandler found the clergy of the church indifferent to his appeal for an American bishop. Chandler to Samuel Johnson, April 7, 1768. Herbert and Carol Schneider, *Samuel Johnson: His Career and Writings,* I, 437. Even in William and Mary College, an Anglican institution, there could be found influences hostile to the project. Sadie Bell, *The State, the Church, and Education in Virginia,* p. 88. See also *Collections of the Protestant Episcopal Historical Society for the Year 1851,* I, 155-156.

dealing with the political issues then absorbing the province's attention.

On September 15, 1770, the clergy held another meeting. Again it was called to consider the incorporation of a society for aiding widows and children of Anglican clergymen. There is no detailed record of what was accomplished, but it appears that they had by this time received Governor Eden's reply to their earlier petition.[87] The governor expressed surprise that Lord Baltimore's right of patronage was under question. He informed the clergy that the proprietor's rights were founded in law and therefore need not be buttressed by episcopal authority.[88] He assured the clergy that the matter of an American bishop was one of great importance which he would take up with the Assembly. As governor, however, he must protect all denominations in his province. By this time he had been admonished by his Council to write to the proprietor and advise him to withhold the charter for the new society, since application for it was only a pretext used by the clergy to hold a general conference. If the charter had already been received by Eden the Council felt that he should hold it, pending further instruction from Lord Baltimore.[89] Alert clergymen must have viewed this decision with alarm.

The petition to the governor, dealing with the appointment of a resident bishop had been signed by nine clergymen. They claimed to represent the whole body, a position questioned by Eden.[90] To fortify their claim they laid a paper before the council signed by Addison, Allen, and

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[87] The governor's reply is dated September 15, 1770. *Maryland Archives,* XXXII, 385. Cf. also *Synodalia,* XXX, 219.

[88] *Maryland Archives,* XXXII, 385, Perry, *Historical Collections,* IV, 342. *Maryland Gazette,* February 11, 1773. Cf. also Hawks, *Contributions to Ecclesiastical History,* II, 256-260.

[89] *Synodalia,* XXX, 219-220.

[90] *Maryland Gazette,* February 11, 1773. *Maryland Archives,* XXXII, 384-385.

Boucher, acting for eleven clergymen. In it they offered proof that the proprietor's right of patronage had been challenged, attributing Eden's lack of information to his recent arrival in Maryland. They called his attention to three appointments in one parish which had been set aside by the parishioners on the principle that the right of patronage resided in the people who raised revenues.[91] They complimented the governor on his determination to protect all denominations, and turned to their own account the right of dissenters to discipline in their own way, as an argument for an American episcopacy. Their petition, they suggested, was a matter not intended for the Assembly, as it concerned the "prerogative alone."[92]

Governor Eden had already committed himself on the matter of an American bishop,[93] and the appeal of the three clergymen fell on deaf ears. Yet the clergy as a whole made one more attempt to set before the governor the dangers facing the Established Church. At a meeting held October 4, 1771, they sent a letter to governor Eden lamenting the spirit in the colony which seemed determined to reduce the livings of the clergymen, and intimating it meant an overturning of an institution which was an essential part of the state. A national virtue, they asserted, could only be maintained by a national religion. They interpreted the move to reduce the income of clergymen as an invasion of the rights of the proprietor. Enemies of the proprietor's rights of patronage were motivated by envy and by an intention to diminish his power and render his gifts as "mean and contemptible." The letter was signed by twenty-one clergymen.[94]

But the efforts of the clergy proved fruitless. Governor

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[91] Evidently an allusion to Coventry Parish already discussed. See above pp. 89 ff.

[92] *Synodalia,* XXX, 220-222.

[93] Above page 106.

[94] *Synodalia,* XXXII, 227, 228.

Eden felt that the plan for an American bishop, if consummated, would curtail the power of the proprietor, and that it was not essential, as the clergy intimated, to his administration.[95] The proprietor himself opposed the project out of fear for his charter rights.[96] The Lower House saw no necessity for it, since they had a plan of their own to discipline unworthy clergymen.[97] The people on the whole were afraid of episcopal authority.[98] Even the clergy were not united in support of the project—the statements of Jonathan Boucher to the contrary notwithstanding.[99] A general lukewarmness toward episcopacy could be seen in every province where the Anglican Church was established.[100] This was particularly true in Virginia. When an attempt was made to arrange a general conference of the one hundred clergymen in Virginia to consider the matter of a resident bishop, only twelve responded; and of these twelve, four protested against the petition.[101]

Notwithstanding the attitude of the southern clergymen in general, it is perhaps true that a majority of the Maryland ministers favored the plan and were convinced that an American episcopate was essential to the continued life of the church.[102] In their petitions to the governor, the propri-

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95 Above page 106.

96 Hamersly to Sharpe, November 10, 1767. *Maryland Archives,* XIV, 431.

97 Above pp. 103, 104. See also William Eddis, *Letters from America 1769-1777* (London, 1792), pp. 49-51.;

98 N. D. Mereness, *Maryland as a Proprietary Province,* p. 459.

99 *Maryland Gazette,* May 27, 1773. Cf. above pp.106-107.

100 Samuel Johnson to the Archbishop of Canterbury, November 10, 1766.Herbert and Carol Schneider, *Samuel Johnson: His Career and Writings,* I, 379. The call for an American Bishop came from the more northern provinces where a need was felt, and from places where there was no Puritan opposition. Northern Dissenters opposed the plan. F. L. Hawks, *Contributions to Ecclesiastical History,* I, 125; and C. F. Pascoe, *Classified Digest of Records of the S. P. G.* (London, 1893), p. 35.

101 Sadie Bell, *The State, the Church, and Education in Virginia,* p. 87. Cf. also C. Hodge, *A Constitutional History of the Presbyterian Church in the U. S.* (Philadelphia, 1840), Part II, 454, and J. S. M. Anderson, *A History of the Church of England in the Colonies* (London, 1856), III, 257.

102 Perry, *Historical Collections,* IV, 334.

etor, and the King in1770, they did not stop with the argument for an American bishop merely to check sectarianism, but boldly asserted the need of bolstering the civil government, and assured the King that the policy of honoring him was one of the principles of the church to be taught the people of Maryland.[103] This was a very inopportune time to advocate such principles, for the radical leaders in the colonies were already warning against the power of both crown and Parliament.

By 1773 certain leading laymen, whose influence cannot be questioned, had entered the controversy. Samuel Chase and William Paca, both prominent lawyers and members of Anglican vestries, expressed disapproval of the plan for an American bishop and gave as their reason a fear of coercive power of the church over poverty-stricken men.[104] This is evidence, on the eve of the Revolution, that some believed the church might become too powerful a factor in the province and should be curbed. As men like Chase and Paca were successful politicians, it was obvious that the church might suffer further diminution of its influence in public affairs.

The issue created by persistent demands for an American episcopate was peculiarly significant in Maryland, where the policies of the church and the civil government, as represented by governor and council, were in general agreement. It brought the governor, the proprietor, and most of the people of the province, together in opposition to the whole plan, with the clergy somewhat divided. Thus a rift was created within the Establishment; most of the communicant members opposing the leading clergymen.[105] Since the role of the proprietor in the government

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[103] *Maryland Archives,* XXXII, 379-384.

[104] *Maryland Gazette,* January 14, 1773.

[105] By 1771 the Lower House of the Maryland Assembly had come to look upon "a general uniform establishment of the clergy" as "truly desirable," but they had reference to a financial policy rather than an administrative

was under attack,[106] the governor had come to assume in the public mind more and more the position of a representative of the crown,[107] with a close relationship to the Establishment.[108] This fact made the fear that the British government planned to foster control of the colonial patronage through the episcopate seem very real.[109] But the refusal of the governor to support the clergy in their proposals for a resident bishop indicated that the Anglican church might fail to present a united front on the political issues then causing tension between the colonies and the mother country.[110] In Maryland, the objections of the governor to an American episcopate, as in other colonies, were based on political grounds, rather than ecclesiastical,[111] and showed a determination to keep the Establishment under the control of the proprietary government. In fact, the gover-

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one. *Maryland Conference Proceedings, November* 23, *1771* (n. d. or publisher, Rare Book Collection, Library of Congress, Washington, D. C.), p. 25.

106 N. D. Mereness, *Maryland as a Proprietary Province,* p. 459.

107 *Maryland Archives,* XIV, Preface, v.

108 L. W. Labaree. *Royal Government in America* (New Haven, 1930), 115.

109 Mellen Chamberlain, "The Revolution Impending," J. Winsor, *Narrative and Critical History of the United States* (Boston and New York, 1888), VI, 38. On the whole there was more fear than reality in this phase of the project. The governors, though under instruction to support the jurisdiction of the Bishop of London, failed to acquiesce in the plan, and the commissary of the London Bishop was often in bitter antagonism to the colonial governors. J. G. Craighead, *Scotch and Irish Seeds in American Soil* (Philadelphia, 1878), p. 319, L. W. Labaree, *Royal Government in America* (New Haven, 1930), p. 116.

110 It is well to note that the Maryland clergymen in their petition to the Bishop of London for an American Episcopate pointed out that the Established Church in the province was in danger at this time from both houses of the Maryland Assembly. Petition of Maryland Clergy to the Bishop of London, September 15, 1770. *Maryland Archives,* XXXII, 384.

111 Ernest Hawkins, *Historical Notices of the Mission of the Church of England in the Colonies,* p. 390. Cf. Hawks, "Episcopacy Before the American Revolution," *Collections of the Protestant Historical Society for the year 1851,* I, 150. Another writer on the Church of England takes the view that the state had an interest in the establishment of a bishopric in America, as well as did the church. Ernest Hawkins, *Historical Notices of the Mission of the Church of England in the American Colonies,* p. 212.

nor was under the proprietor's instructions to refuse support to the plan. Thus, the divergent views of the clergy on one side, the proprietor and his governor on the other, contributed to the success of the efforts of the legislature to gain a control over the clergy; and in 1771 the bill for a lay court to discipline unworthy ministers became a law.[112] But this action came too late. It only increased the tension between the ministers of the Establishment and the members of the Assembly. As a solvent of church problems it came at a very inopportune time; for the colony had been upset since 1770 by a controversy over the question of fees by proclamation, which was finally settled only by the American Revolution.

Perhaps no movement, immediately preceding the outbreak of the American Revolution, more clearly reveals how public opinion is swayed, not by truth, but by what is generally held as truth,[113] than the prolonged dispute regarding an American episcopate. A modern scholar insists that any attempt to conjoin ecclesiastical and political motives in English colonial policy is a "pure figment of the imagination."[114] While it may be true that the Church of England from an early time was looked upon as an agent of the civil government, it is difficult to deduce any political interest in its attitude toward the American colonies,

[112] N. D. Mereness, *Maryland as a Proprietary Province,* p. 452.

[113] A contemporary of events just preceding the American Revolution, writing after many years, says the Revolutionary leaders had come to fear the Church of England in politics. John Adams to Doctor Morse, December 2, 1815. J. Morse, *Annals of the American Revolution* (Hartford, 1824,) pp. 197-200. The same writer said on the eve of the struggle with the mother country that when the Boston Port Bill was promulgated some of the Episcopal clergymen were reported as supporting it. This caused them to be regarded by some at least as backing ministerial measures of Parliament. Diary Entry of John Adams, August 21, 1774. C. F. Adams, *Works of John Adams,* II, 348. It was at least thought that both civil and religious rights were menaced by an American Episcopate.

[114] A. L. Cross, *The Anglican Episcopate and the American Colonies* p. 199.

especially in the renewed activities of the Bishop of London after 1760.[115]

Though the Maryland clergy suffered complete defeat on the episcopal issue, they were more favored in the next contest involving their interests. The immediate cause of this controversy was the question of fees, a bone of contention in the province.[116] The Assembly had early taken action limiting the fees of civil officers,[117] but in spite of this they had grown to be an "intolerable burden" by the

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[115] In the fourteen years from 1745-1759 inclusive, persons licensed by the Bishop of London to the various American colonies were as follows:

Maryland	12 persons	Georgia	2 persons
Pennsylvania	9 persons	New Jersey	7 persons
Virginia	54 persons	North Carolina	11 persons
Massachusetts	0 persons	South Carolina	22 persons
New England (exclusive of Mass.)	20 persons	Connecticut	1 person
		Florida	0 persons

During the next fourteen years, from 1760 to 1774 inclusive, the number of persons licensed was as follows:

Maryland	32 persons	Georgia	7 persons
Pennsylvania	15 persons	New Jersey	13 persons
Virginia	84 persons	North Carolina	19 persons
Massachusetts	5 persons	South Carolina	34 persons
New England (exclusive of Mass.)	15 persons	Connecticut	4 persons
		Florida	9 persons

A survey of these activities shows only a general increase of interest during the last fourteen years that may have been induced by the French and and Indian War. A distribution of these activities shows little connection with political movements at this time, since the proportional increase of persons licensed to the colonies was as great in the southern colonies, where the Episcopal Church was established, as in Massachusetts and other parts of New England where the political opposition to the mother country was centered during at least the last fourteen-year period under consideration. It is significant that no persons were licensed to Massachusetts after 1770. The source for the figures tabulated above can be found in the Fulham MS as reported in *Collections of the Protestant Episcopal Historical Society for the Year 1851,* I, 107-120. Samuel Johnson insisted that the Episcopate was never intended to have jurisdiction over dissenters. Samuel Johnson to Archbishop Secker, March 1, 1759. Herbert and Carol Schneider, *Samuel Johnson: His Career and Writings,* I, 286.

[116] Public officials in Maryland received no stipulated salary but were remunerated through fees regulated by the General Assembly of the province. *Maryland Archives,* II, 532-536. R. C. Spencer, "Honorable Daniel Dulany," *Maryland Historical Magazine,* XIII, 149 ff.

[117] Assembly Proceedings, May to June, 1676. *Maryland Archives,* II, 532-536.

time of Governor Eden.[118] The two Dulanys, Daniel and Walter, secretary and commissary general of the province of Maryland respectively, and Calvert and Steward of the land office were recipients of the largest ones,[119] and all of them were members of the Upper House or Council.[120] Daniel Dulany's defense of the fees in opposition to the attempt of the people's representatives to reduce them, caused him to become a defender of the rights of the proprietor from this time on.[121]

In this quarrel the Establishment was involved from the beginning. When the law regulating the staple of tobacco was reenacted in 1763, it fixed the salaries of the clergymen at thirty pounds of tobacco per poll instead of the original forty pounds.[122] Immediately the contest between the ministers and the legislators was renewed. At this time probably two thirds of all church members in the province belonged to the Established Church,[123] yet the people were standing with the legislature in a contest that "waxed warm" during the remainder of Sharpe's administration.[124] No Patrick Henry, however, arose in Maryland to transform the bickering over salaries into a stirring appeal for religious liberty and release from British controls.

It must be remembered that the fixing of clerical salaries was only one item of the Act of 1763 for amending

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118 William H. Browne, *Maryland: History of a Palatinate* (Boston, 1884), p. 265.

119 James McSherry, *History of Maryland from its First Settlement, 1634 to 1848* (J. Murphy, Baltimore, 1848), p. 168.

120 *Ibid.*

121 *Ibid.*

122 Thomas Bacon, *Laws of Maryland, 1637-1763* (Annapolis, 1765), Chapter XVIII, Section XXIII.

123 As to population in Maryland, 1761. *MS Collection, Portfolio No. 3, Item # 12 (i) (Hall of Records, Annapolis).*

124 Hawks, *Contributions to Ecclesiastical History, II,* 248.

the staple of tobacco.[125] It stated that all tobacco then owed, or to be owed, could be reduced one fifth, except that required to discharge certain fees and parochial dues definitely stipulated. The law also provided that the value of the tobacco could be commuted in gold or silver if paid before the tenth of April of each year.[126] The act was to be in force till 1770.[127] When it came up for re-enactment that year, the Lower House objected to its provisions; and Messrs. Bordley, Ringgold, and Chase, were placed on a committee to bring in a bill for the limitation of officers fees in the province.[128] Two at least of these men were members of the Established Church whose clergy were calling for increased salaries.[129] But all efforts to harmonize factions led only to a deadlock, and the governor prorogued the Assembly. He then decided to regulate fees by proclamation, which in reality re-established the fee Bill of 1763, since the new bill for regulating fees had failed of passage. This brought out much legal talent for and against the procedure of settling such question by proclamation. Many Anglican laymen, some leading lawyers of the province, lined up against the governor and the proprietor, backed by church and crown. Other lawyers, especially members of the Council, championed the cause of proprietary privilege.

It is quite obvious that the opposition to the governor's proclamation, its leadership largely recruited from the members of the Lower House, was an old spirit in a

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[125] Thomas Bacon, *Laws of Maryland, 1637-1763* (Annapolis, 1765), Chapter XVIII.

[126] *Ibid.*, Section XXVII.

[127] Hawks, *Contributions to Ecclesiastical History,* II, 262.

[128] Steiner, *Life and Administration of Sir Robert Eden,* p. 36.

[129] John Beale Bordley was a member of the Council, and only those favorable to the establishment were placed there. R. H. Spencer, "Hon. Daniel Dulany," *Maryland Historical Magazine,* XIII, 151. Cf. also *MS Collection, Portfolio ♯ 3, M. H. S. Document ♯ 5* (Hall of Records, Annapolis). Samuel Chase was a churchman. J. Lossing, *Biographical Sketches of the Signers of the Declaration of Independence* (Philadelphia, 1866), 150.

new setting. Regulation of officer's fees had been a point of contention in Maryland ever since the last quarter of the seventeenth century.[130] The proprietor recognized the right of the Assembly to pass laws regulating certain fees, while others fell within his rights. If any fee were deemed exhorbitant by the governor he with his Council had the power to make abatements.[131] In 1733, when Lord Baltimore visited his province, he had issued a proclamation regulating fees.[132] Although the Assembly soon reiterated the position that neither fees nor taxes could be imposed or created without the consent of the people,[133] the fees were promptly paid. [134] In the exciting days of the Stamp Act, the Assembly reiterated this position.[135] It was willing to differentiate between fees and taxes, but its opposition to Eden's Proclamation of 1770 was based on the contention that regulation of fees was merely a device to exact an effective tax.[136] Such logic fits well into the general scheme of colonial objections to taxation without representation. This new philosophy injected into the struggle between the clergy and the Lower House gave it real significance in Maryland's political history. One is inclined to give credence to the opinion of a writer in the *Maryland Gazette* of March 7, 1771, that the whole question over

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130 *Maryland Archives,* XXXII, 494 ff. The legislature at this time still recognized the rights of the proprietor in fixing the rates.

131 Instructions to Sharpe, March 17, 1753. *Portfolio* ♯*2, Document* ♯*4* (2), *Par. 9* (Hall of Records, Annapolis).

132 *Maryland Archives,* XXXII, 500.

133 In 1739, *Year Book of the Maryland Society of Sons of the American Revolution* (1893), p. 21.

134 Eden to My Lord [Dartmouth], January 29, 1773. *Public Record Office, Colonial Office,* 5, 1285 (MS. Division: Transcripts, Library of Congress). [p. 175], p. 91.

135 *Votes and Proceedings of the Lower House of the Assembly of the Province of Maryland,* September 28, 1765 (Annapolis, n. d.), p. 10.

136 Eden to My Lord [Dartmouth], January 29, 1773. Public Record Office: Colonial Office, 5,1285 (MS Division: Transcripts, Library of Congress) [p. 175], p. 90. *Maryland Historical Magazine,* XIV, 196-197.

fees and rectors' salaries was but a political move to curb the Upper House, and was an expression of the more democratic spirit manifest in the province after 1763.

Since the law of 1763 had not been renewed in 1770, and since the proclamation which revived it had not been accepted by the Assembly, the clergy maintained that the Vestry Act of 1702 was the legal basis for their yearly stipend.[137] This act gave all ministers of the Established Church in Maryland forty pounds of tobacco per poll as their annual renumeration rather than the thirty pounds in the law of 1763. Immediately the legality of the Vestry Act of 1702 was called into question. It had been passed by a legislature which met under writs of election issued by a king who was deceased by the time of its meeting. The struggle over the Vestry Act ran current to that regarding fees, and the two are usually thought of as one contest.

As soon as the legislature assembled in October, 1771, Thomas Johnson, a member of the Established Church, drew up a Remonstrance against the proclamation, which was submitted to the governor. He was also associated with William Paca and Samuel Chase, both Anglicans, in an arrangement for a conference between the two houses of the Assembly[138] designed to reach an agreement on the stipulations of the fee bill. The governor expressed himself in a message to the Upper House as favorable to the clergy;[139] and that body agreed with him in resisting any reductions of fees at this time.[140]

The controversy aroused by the governor's proclamation soon developed into an open debate between two of the most prominent lawyers in the province. Charles

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[137] Hawks, *Contributions to Ecclesiastical History*, II, 265, 266.

[138] *Maryland Historical Magazine*, XIV, 196-197.

[139] November 7, 1771. *Maryland Conference Proceedings* (n. d. or publisher, Rare Book Collection, Library of Congress), p. 16.

[140] November 13, 1771. *Ibid.*, p. 18.

Carroll of Carrollton, a Roman Catholic, emerged as defender of the people's rights, and Daniel Dulany, a leading Anglican, lined up on the side of privilege. The debate ran along political and economic lines. As a Roman Catholic, Carroll was in no position to raise any direct religious issue in his defense of the people's rights. Until this time he had had but a comparatively small place in the public life of the province. He now entered the political arena in a series of articles in the *Maryland Gazette* signing himself as "First Citizen." His attack on the proclamation was mainly political and involved the whole question of government by prerogative as opposed to government by representation. His arguments concerning the evil consequences of forcing the people to submit to the arbitrary fixing of fees by prerogative[141] was supplemented by a careful discussion of the economics of the fee system. He showed that the fees of the commissary general of the province were increasing and were out of all proportion to the requirements of the office. Alluding to the seventeenth century Puritan struggle in England, he called all fees, "ship money" and a form of taxation.[142] Daniel Dulany, who championed the cause of the proprietor's privilege, wrote as "Antilon," and kept the debate largely in the field of politics. Only once did he refer to the handicap which religion had placed on his opponent,[143] a slur that went all but unnoticed by Carroll.[144] The latter could well afford to be silent on the matter, for his emergence from comparative seclusion came at a very opportune time both for himself and his coreligionists. Prejudice, which had played a large part in

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[141] *Maryland Gazette*, July 1, 1773.
[142] *Ibid.*, May 6, 1773.
[143] *Ibid.*, June 3, 1773.
[144] For Carroll's comments on Dulany's statement, see *Maryland Gazette*, July 1, 1773.

the religious thinking of the eighteenth century, was on the wane. At this time Protestants and Catholics in Maryland were generally living together in an amicable spirit.[145]

As soon as "First Citizen" and "Antilon" laid down their pens, others took them up. John Hammond wrote in defense of the proclamation[146] and Samuel Chase, William Paca, and Thomas Johnson, came out as his opponents, Hammond expressed his views in one article and refused to keep up a war of movement with his antagonists.[147] Chase and Paca were also deeply involved in the strictly clerical aspect of the struggle and were in deadly combat with their rector, the Reverend Jonathan Boucher, regarding the validity of the Vestry Act of 1702. Boucher, who had just come to Maryland, had been inducted into St. Anne's Parish at Annapolis. This made him ex officio chaplain of the Lower House, where he could easily keep informed on all matters of legislation.

As one of the victims of the legislators' move to reduce clerical salaries, Boucher was naturally in a mood to demand what he considered his own rights. With others, he instituted a test case to determine the validity of the Act of 1702, which had given the benefit of the forty pound poll tax. His lawyers, however, abandoned the case because of the rising popular odium attached to any defender of the clergy's position. "Thus," says Boucher, "were all our hopes blasted," and the clergy were left to the mercy of the people. If not orderly and submissive, the former might receive nothing at their hands. After three years of service, Boucher had been paid scarcely enough to buy himself a

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145 McMahon, *An Historical View of the Government of Maryland* (Baltimore, 1831), pp. 398-399.

146 *Maryland Gazette*, September 9, 1773.

147 McMahon, *An Historical View of the Government of Maryland*, p. 394.

coat. Toward the end of 1773, he could say that if things continued as they were, the Established Church would soon cease to exist in Maryland.[148]

Although Samuel Chase and William Paca both declared that they were not opposed to an established church in Maryland, neither believed that the Vestry Act of 1702 was valid.[149] Of the two Paca was more consistent in his ideas concerning the legal and political issues involved in the controversy over fees, but Chase finally joined him in repudiating the claims of the clergy that they were entitled to the forty-pound poll. Had the two lawyers completely convinced their fellow-citizens that the Vestry Act of 1702 was a nullity, it is difficult to see how the Establishment could have survived.[150]

After approximately three years of quarreling over fees, the spirit of compromise seemed to have receded farther and farther into the background. At the close of 1773, however, the legislators found a temporary solution in an act which fixed the poll tax for clergymen at thirty pounds of tobacco, or four shillings in money. This settlement of the clerical aspect of the struggle did not affect the question of the validity of the Act of 1702.[151] The governor's proclamation remained as the instrument for regulating all fees until the Revolution. Thus, the governor seemed to have won,[152] but only temporarily, for success eventually lay on the side of the people.[153]

The years of the contest over fees were freighted with political and religious significance for Maryland. When

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148 Boucher to Dr. Smith, May 4, 1775. *Maryland Historical Magazine*, VIII, 238.

149 *Maryland Gazette*, January 14, 1773. Cf. also McMahon, *An Historical View of the Government of Maryland*, p. 399.

150 Hawks, *Contributions to Ecclesiastical History*, II, 263-268.

151 J. V. L. McMahon, *An Historical View of the Government of Maryland*, p. 401, Footnote # 25.

152 Steiner, *Life and Administration of Sir Robert Eden*, p. 79.

153 Cf. Hawks, *Contributions to Ecclesiastical History*, II, 264, 268.

the dust of battle had cleared, it was found that privilege had received a mortal blow, and that the majority of the lawyers were lined up with the popular cause.[154] The governor, the proprietor, and the clergy, who had been allies in the struggle against the Lower House, faced in the future insurmountable obstacles. The way to greater liberties in the colony had been paved by a Roman Catholic, Charles Carroll of Carrollton, whose masterly presentation of the issues involved did much to remove the religious antagonism toward Catholics. In the elections to the Assembly, following the struggle, Carroll was given a seat in defiance of the legal restrictions preventing a Catholic from holding such a position,[155] and churchmen were forced to yield their prejudices. While the contest was still on, a vote of thanks from the delegates of Anne Arundel County was tendered Carroll as "First Citizen" for his services. These delegates were B. T. B. Worthington, Thomas Johnson, Jr., Samuel Chase, and John Hall,[156] every one of whom was a member of the Established Church. From Frederick County came a like expression of appreciation[157] followed soon by one from Baltimore County,[158] extolling the services of the leading Roman Catholic of the province. Carroll's success as a protagonist of the people's rights was an encouragement to his coreligionists that civil and political equality would eventually be accorded them.

The split within the ranks of churchmen was widening. Chase and Paca, though vestymen of the same parish, can be seen in disagreement on some issues pertaining to

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154 Article by Brutes who deprecates this. *Maryland Gazette*, May 13, 1773.

155 *United States Catholic Historical Society: Records and Studies* (Published by the Society, December 1917), XI, 48.

156 E. S. Delaplaine, "The Life of Thomas Johnson," *Maryland Historical Magazine*, XIV, 199.

157 *Maryland Gazette*, May 27, 1773.

158 *Ibid.*, June 10, 1773.

church matters. They were primarily politicians working with an outlook to the future, and no less a personage than Daniel Dulany had referred to the struggle over the governor's proclamation as a "political contest." Some thought that the services of lawyers in this contest had been an aid in "lowering taxes," and that the widening rift between the clergy and the lawyers showed a political trend, since the leading lawyers were also Anglicans. When at last resentment against the governor's proclamation culminated in a mock burial service, no reference was made to churchmen as participating but only to "freemen"—a political term.[159] Chase, Paca, and Thomas Johnson, in their reply to John Hammond, cautioned the governor to make no more proclamations regarding fees, and alluded to the support the people gave to the defenders of their rights in returning them to the House of Delegates in two re-elections.[160] The contest had served both political and religious liberty, for the struggle drew out varying arguments and pleas for the right to hold differing opinions.[161] For once the foreign news was crowded off the front pages of the *Maryland Gazette*, an unusual thing for the province at that period. This fact shows the intense interest that was developing over issues destined to lead the colony into still more serious controversies with the mother country, for in the quarrel over the governor's proclamation can be seen the beginning of the Revolution in the province.[162] The determination of the opponents of government by prerogative was heightened by the fact that the English government, supported as it was by the Established Church, had never in the past settled to the advan-

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159 *Ibid.*, May 10, 1773.

160 *Ibid.*, September 9, 1773. Cf. E. S. Riley, *History of the General Assembly* (Baltimore, 1905), p. 4.

161 *Maryland Gazette*, July 29, 1773.

162 F. L. Hawks, *Contributions to Ecclesiastical History*, II, 268.

tage of Maryland's freemen any controverted point between the Lower House and the Proprietary to which it became a party.[163]

As regards the place of the Established Church it was largely because of a linking up of the clergy, never in Maryland dominant in leadership, with forces set against the slowly rising democratic tendency in the colony that clerical influence was further weakened. It would not quickly be forgotten that in the recent struggle only two clergymen in the whole province could be found who were opposed to the proclamation of the governor.[164] Nor was the character of the clergy heightened by their attitude toward the validity of the Vestry Act of 1702. "Their vices," says a writer on this period of Maryland history, had left the church "without a restraining influence over the legislative Assembly."[165] It was lay thinking rather than clerical that shaped plans for the future; and leadership had all but completely slipped into the hands of lawyers.[166] After 1763, when the thought of Annapolis "made the mind of the province,"[167] the clergy of the Established Church in Maryland were pushed further into the background as leaders, for Annapolis was the seat of legal thinking rather than that of the church. Jonathan Boucher, one of the most prominent of her clergy, was soon to carry on his preaching with two loaded pistols lying within easy reach on his pulpit.[168] On one occasion these weapons, he thought, saved his life and prevented his being

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163 E. S. Riley, *History of the General Assembly of Maryland*, p. 3.

164 Riley, *Correspondence of First Citizen and Antilon* (Baltimore, 1902), p. 28.

165 Mereness, *Maryland as a Proprietary Province*, p. 459.

166 For the place of lawyers as moulders of public opinion in Maryland from 1760 to the Revolution, see *Ibid.*, pp. 217, 503.

167 Quoted in E. S. Delaplaine, *Life of Thomas Johnson* (New York, 1927), p. 16.

168 Bouchier, Editor, *Reminiscences of an American Loyalist*, p. 113.

drummed out of the city to the tune of the Rogue's March. In this instance he was endangered by a mob that threatened his life if he entered his own church.

Near the conclusion of the fee contest, "Lexiphanes," writing of ministers, said, "Parson: A name of the utmost obloquy and contempt . . . illiterate and of licentious morals . . . ministerial hirelings and court sycophants. And no longer of any use in this province [Maryland] than they serve a Papist and his gang of Patriots to recommend themselves to the people by maltreating and abusing.[170] In like strain, "A very Great Patriot" wrote, "Not a farthing have I paid to the parsons these two years being clearly of the opinion . . . that the clergy are not entitled to their dues."[171] Abraham Adams, a clergyman of some substance, complained in 1770 that people who once were very friendly to him, refused to recognize him.[172] It is little wonder that channels other than religious were opening up whereby the lawyers were able to give direction to the new movements occasioned by the rising resentment against the mother country. This fact enabled the Lower House to check the influence of the clergy of the Established Church, recognized as an ally of the English government. As the political contest advanced, the danger seemed to be more and more apparent, and even the Upper House came to join in sentiment with that of the Lower in a determined defense of Maryland's freedom.

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169 *Maryland Historical Magazine,* VIII, 243-244.
170 *Maryland Gazette,* July 22, 1773.
171 *Ibid.,* September 23, 1773.
172 *Ibid.,* December 27, 1770.

CHAPTER V

THE CHURCHES AND THE MOVEMENT FOR INDEPENDENCE

Scarcely had the controversy between clergymen and the Assembly been quieted by compromise, when the province of Maryland faced a series of problems incident to the strained relations between the American colonies and the mother country. The misunderstandings with England, so far as they directly concerned the province, were largely political and economic; but the Established Church, as an agency of the civil government, was necessarily implicated.

While it cannot be said that the Church of England never shunned politics, it was certainly more inclined to do so than the Calvinistic groups which in the English colonies made up the vast majority of church members.[1] Sermons of Episcopal clergymen were concerned with theological doctrines rather than with public affairs.[2] In a sermon before the S. P. G. in 1771, for example, Bishop Lowth deprecated the use of the Christian gospel to promote the aims of the state.[3] In Maryland it was only when legislation directly affected the interests of the Anglican clergymen that they were moved to action. On the whole in ecclesiastical matters, Maryland clergy of the established church looked to the state for support as a matter of course. Congregations were not accustomed to listen to their ministers

[1] J. L. Diman, "Religion in America, 1776-1786", *North American Review*, CXXII, 12-17.

[2] Letter of Charles Ingles, October 31, 1776. J. W. Thornton, *The Pulpit of the American Revolution* (Boston, 1860), Introduction, XXXI.

[3] *Twelve Anniversary Sermons Preached Before the Society for the Propogation of the Gospel in Foreign Parts* (London, 1845), 151, 152.

discuss political issues; and the ministers were not well versed in politics.

The statement of the Reverend Jonathan Boucher that he was the most efficient person in the administration of Maryland's government, and that hardly a bill was brought in which he "did not either draw or at least revise and either got it passed or rejected" seems to be a gross exaggeration, in view of his difficulties with the Assembly.[4] As the champion of the unpopular cause of the clergy in the conflict over fees, his influence in legislative matters had not been noteworthy. The clergy, to be sure, had won a temporary victory in the battle over fees,[5] but they had failed to secure all for which they had contended and their prestige had suffered.[6] Their tactics in trying to preserve their own privileges had stirred a spirit in the province, which in its extreme form was determined to curb clerical influences, even if it proved necessary to put an end to the Establishment itself.[7]

Even in the minds of many staunch Anglicans, the Established church was further weakend by its close association with the declining proprietorship. In 1770, Frederick, Lord Baltimore, died and left his Maryland holdings to two of his illegitimate children, Henry and Frances Mary Harford. The prospect of seeing Henry Harford, a minor, elevated to the proprietorship, which drew from Maryland's residents the equivalent in present-

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[4] For Boucher's statement in full see Jonathan Bouchier, editor, *Reminiscences of an American Loyalist* (Boston & New York, 1925), 92.

[5] Chapter IV, p. 119.

[6] The clergy during the struggle over fees had contended for the validity of the Law of 1701/2 granting them forty pounds of tobacco per poll. See *Maryland Archives*, XXIV, 265. They had, however, been forced to submit to an Act passed in December, 1773, granting them annually thirty pounds of tobacco per poll for twelve years or a money stipulation of four shillings per poll. B. C. Steiner, *Life and Administration of Sir Robert Eden* (Baltimore, 1898), pp. 74-75.

[7] Mereness, *Maryland as a Proprietary Province*, p. 439

day values of approximately a quarter of a million dollars annually,[8] detracted from the already waning prestige of the proprietary family. It was well remembered that this same Frederick, the worst of the line of Barons Baltimore, had been one of the strongest supporters of the Anglican clergy and a resourceful guardian of their financial perquisites.[9]

The difficulties of the Establishment were further aggravated by the widespread belief that it was the American ally of the British government. Since its clergymen were all under governmental patronage, they would naturally be on Britain's side in any controversy which might arise between colony and mother country.[10] But though the Establishment was largely dependent on royal prerogative, the Hanoverian Kings had shown little inclination to favor it in their colonial policies during the eighteenth century.[12] At the opening of the Revolutionary War, therefore, the Established Church was in no sense a stronger institution because of its relation to the crown. It was the king who had supported the proprietor and his governor in their quarrels with the Lower House. It was the king who had once forced an Established Church on the province.[13] As hostility to the British government gradually singled out George III as the target, the Angli-

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[8] B. C. Steiner, *Life and Administration of Sir Robert Eden,* p. 78. Andrews, *Our Earliest Colonial Settlements,* pp. 163, 164.

[9] Instructions to Sharpe, March 17, 1753, *Portfolio* ♯*2, Document* ♯*4* (2) *Par. 6.* (Hall of Records, Annapolis). C. M. Andrews, *Our Earliest Colonial Settlements,* p. 164.

[10] Jonathan Bouchier, *Reminiscences of an American Loyalist,* 1738-1789, (New York, 1925), p. 68.

[12] Susan M. Reed, *Church and State in Massachusetts,* 1691-1740 (Urbana: University of Illinois, 1914), p. 17. For policies of George I and George II regarding the Anglican Church Cf. J. C. Meyer, *Church and State in Massachusetts,* 1740-1823, pp. 69, 70, 88, 89.

[13] H. S. Cobb, *The Rise of Religious Liberty in America* (New York, 1902), p. 390.

can Church throughout English America suffered. Maryland was no exception.

The belief that the Anglican clergy were closely associated with the political purposes of the mother country had some foundation in fact. Jonathan Boucher, who thought that England could do no wrong, was happy that his clerical brethren in the American crisis had distinguished themselves by their unswerving devotion to the government of George III.[14] In New England and New York almost every Anglican minister opposed the patriot cause; while in Pennsylvania it was reported that only one representative of the Church of England clergy could be found outside of Philadelphia at the close of the Revolutionary War.[15] In the Virginia Establishment a large number of the clergy were indebted to the bishops and the Crown for their positions, and they were mindful of the debt.[16] Likewise in Maryland approximately two-thirds of the Anglican ministers could properly be designated as Loyalists.

Had the clergy in Virginia, Maryland, and other provinces where the Church of England was established, been as vigorous in defending England's cause as the Congregational ministers of New England were in opposing it, the course of the American Revolution might have been considerably modified.[17] John Adams, looking back from the vantage point of later years, thought that the Puritan clergy of New England had earned the right to be regarded as the most jealous friends of liberty.[18] In Massachusetts the Assembly requested the

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[14] Letter dated January 7, 1776. *Maryland Historical Magazine,* VIII, 342.

[15] Samuel Wilberforce, *A History of the Protestant Episcopal Church in America* (New York, 1849), p. 132; B. J. Lossing, *Eminent Americans* (New York, 1881), p. 54.

[16] *Letters and Other Writings of James Madison* (Phila., 1865), I, 14.

[17] For the influence of the Puritan clergy see Alice Baldwin, *The New England Clergy and the American Revolution* (Durham, N. C., 1928).

[18] *Works,* V, 495.

ministers of the Standing Order to make the rights of the colonists and the oppressive acts of Great Britain the subject not only of their Sunday sermons but also their weekday discussions. The publication of these sermons in pamphlet form became one of the regular responsibilities of the Assembly. With such endorsements they finally came to be regarded as "the textbooks of human rights in every parish."[19]

The clergy of Maryland occupied no such prominent position in public affairs. By the year that American independence was declared, their influence, as we have seen, had seriously declined because of their long subservience to proprietor and King, and their failure to put their own house in order. They could no longer command the full respect of their own congregations; and their refusal to come to terms with the Assembly had created disaffection among many nominal Anglicans. It is necessary, therefore, to distinguish clearly between the clergy and the laity in Maryland during the Revolution. The former were Loyalists; but their congregations refused to follow them politically.

The outstanding characteristics of the province during the entire Revolutionary crisis was the spirit of moderation displayed by its leaders. Though the Loyalists were notoriously weak, even among the Anglicans, few provincial leaders displayed that vehemence which so unmistakably marked the Sons of Liberty. Many of them were lawyers in whom the conservatism, induced by familiarity with legal precedents, was confirmed by the theology of the Established Church. If they finally took the path toward war and independence, they did so calmly and deliberately. On every side there was testimony to the quiet which prevailed in Maryland when

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[19] J. T. Headley, *The Chaplains and Clergy of the Revolution* (New York, 1864), pp. 22, 23.

Virginians and New Englanders were resorting to violence.

Even in the hectic days after the promulgation of the Stamp Act, Maryland, in contrast to Virginia, was referred to as quiet though armed.[20] There was some open opposition in the eastern districts, but generally the people tried to avoid any semblance of forcible resistance to the stipulations of the act.[21] To avoid complications the commissary office and the land office were closed on the first of November, 1765.[22] Rather than violate the provisions of the Act the *Maryland Gazette*, the leading newspaper, served notice of its intention to suspend publication.[23] Governor Sharpe, however, continued apprehensive in view of the fact that the printers of Pennsylvania and other northern colonies continued publication and openly flouted the law.[24]

With the repeal of the Stamp Act, complete calm prevailed in the province. Britain's further attempts to tax the colonies, so far as they were given form in the Townshend legislation, aroused very little comment. The *Maryland Gazette* did print the series of letters, signed by "A Pennsylvania Farmer," which denied that the right to tax was a necessary part of the sovereign power of Parliament over the colonies; but this was done only after a request had come from the editor of the *Pennsylvania*

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[20] H. E. Egerton, *Causes and Character of the American Revolution* (Clarendon Press, 1923), p. 83.

[21] The statement of Zachary Hood that the province was "greatly heated" at this period must be taken only as the viewpoint of a stamp distributor who naturally was singled out as an object of contempt. Cf. Letter of Hood, September 23, 1765, *Maryland Historical Magazine*, IV, 134. Such opposition as there was to the Stamp Act was confined more to eastern sections. This was especially true of Maryland. Cf. Letter of James Parker, September 22, 1765, *Ibid.*

[22] Sharpe to Baltimore, February 10, 1766. *Maryland Archives*, XIV, 260

[23] *Maryland Gazette*, April 18, and October 31, 1765.

[24] Sharpe to Baltimore, *Maryland Archives*, XIV, 254

Chronicle.[25] There is no evidence in the *Gazette* of any editorial commentary on these letters, which were written by John Dickinson; nor is there any communication from a reader of the newspaper dealing with the subject of Parliamentary taxation. However influential Dickinson may have been in other provinces, he does not seem to have struck fire in Maryland.

There were many to bear witness to the generally conservative sentiment during the political crisis. William Eddis, a prominent Loyalist, remarked about it at the time he left the province a few weeks before Lexington and Concord.[26] Horatio Sharpe, who had served the proprietor and the King long and faithfully, was given special exemption when the legislators finally decided that it was advisable to confiscate the property of those who had not embraced the cause of independence.[27] Governor Robert Eden was unique among the provincial governors for he managed to remain loyal to Britain and still to leave his post without any untoward incident. After hostilities had broken out, he could write to his brother: "I am . . . and not obnoxious to any unless it be to some of our infernal Independents who are in League with the Bostonians."[28] He would probably have agreed with the remark of a modern historian that the Revolution had come gradually and peacefully to Maryland.

It is always difficult to measure the extent of religious prejudices and their influence in political affairs. One is inclined to believe, however, that such matters were

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[25] The first of these articles may be read in the *Maryland Gazette* for December 17, 1767.

[26] E. S. Riley, *Correspondence of First Citizen and Antilon* (Baltimore, 1902), pp. 245-246. Cf. B. C. Steiner, *Life and Administration of Sir Robert Eden*, pp. 102-103.

[27] C. C. Hall, *The Lords Baltimore and the Maryland Palatinate* (Baltimore, 1902), pp. 208, 209.

[28] Letter of April 28, 1775. Public Record Office, Colonial 5, 1286 (MS. Division: Transcripts, Library of Congress), p. 167.

of little importance in Maryland during the Revolutionary era. Neither Anglicans nor Catholics, neither Dissenters nor Diests seem to have resorted to religious appeals in reaching decisions concerning political action. In most of the English colonies the Quebec Act of 1774, with its obvious concessions to the Roman Catholics in French Canada aroused deep resentment,[29] but there was no comparable sentiment in Maryland. In fact, the attempt of the Continental Congress to use the Act as a means of arousing religious prejudices against Great Britain failed to stir the provincial leaders, Anglican or Catholic. Little attention was paid to the subject in the press, though the *Maryland Journal and Baltimore Advertiser* carried a few reprints of articles, which had first appeared in the *London Evening Post*, denouncing the act as an assault on Protestantism and a confession of Britain's fear of France.[30] In similar vein "Junius" addressed himself to the King, accusing Lord North of a policy aiming to spread the tyrannical hand of popish power over the king's faithful Protestant subjects.[31] These and similar efforts to set Protestant against Catholic, in Maryland proved to be of no consequence. Indeed, when the delegates in the provincial convention had an opportunity to express their sentiments concerning the Quebec Act, they alluded only to the territorial extension of the province of Quebec and to the arbitrary form of government devised for that province.[32] No reference was made to any phase of the religious situation.

Though the Continental Congress had appealed to reli-

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[29] L. J. Davitt, *A Restudy of the Movement Toward American Independence* (Washington, 1929), p. 56. C.H. Van Tyne, "Influence of the Clergy and of Religious and Sectarian Forces on the American Revolution," *American Historical Review*, XIX, 59.

[30] Issue of September 21, 1774.

[31] *Maryland Journal and Baltimore Advertiser*, May 3, 1775.

[32] *Proceedings of the Convention of the Province of Maryland. 1774 1775, 1776*. p. 202.

gious prejudice in an attempt to arouse the English colonies against the Quebec Act, it did not hesitate to make use of Roman Catholics in its effort to secure continental solidarity against Great Britain. Charles Carroll of Carrollton was named on the commission of three charged with the difficult task of winning the Canadians to the patriotic cause. It was regarded as an astute stroke in diplomacy that another Catholic, John Carroll, was requested to accompany the commissioners as a special advisor.[33] However that may be, the religious aspect of the negotiations was apparently inconsequential. In his journal describing the mission to Canada, Charles Carroll makes no mention of any religious implications.[34]

The campaign for independence among Marylanders took shape gradually; and it was at no time marked by any cleavage along religious lines. Anglicans could and did work in agreement with Catholics and Protestant Dissenters. In the forefront of the movement stood Samuel Chase, later joined by Thomas Johnson. Their efforts, together with those of Charles Carroll of Carrollton, finally convinced the province that separation from Great Britain was the better way. William Paca belongs in this group.[35] So does Thomas Stone, who was an effective worker for provincial freedom.[36] With the exception of Charles Carroll, who was the leading Roman Catholic of the colony,

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[33] Samuel Chase, a member of the Established Church of Maryland and Benjamin Franklin were the other commissioners. John Carroll became the first American bishop of the Catholic Church in 1789. *American Archives, Fourth Series,* IV, 1183-1184. See also Kate Mason Rowland, *The Life of Charles Carroll of Carrollton* (New York and London, 1898), I, 145-146; Peter Guilday, *Life and Times of John Carroll* (New York, 1922), I, 90, 91.

[34] "Journal of Charles Carroll of Carrollton during his visit to Canada in 1776," *Maryland Historical Society Publications* (Baltimore, 1845), I.

[35] C. H. Van Tyne, *The Loyalists in the American Revolution* (New York, 1902), p. 103; H. E. Bucholz, *Governors of Maryland from the Revolution to 1908* (Baltimore, 1908), pp. 16-17.

[36] Thomas Stone to Daniel of St. Thomas Jenifer, April 24, 1776. E. C. Burnett, *Letters of the Members of the Continental Congress,* I, 431-432.

these men were all prominent members of the Anglican Church and could have no antipathy toward the mother country growing out of religious matters.

So far as the Established Church in Maryland was concerned, its influence probably retarded the trend toward independence. It had always been of a conservative stamp, not unlike the Anglican Church in other colonies where it was established. But the Anglicans of Maryland found it no easier than the Anglicans of Virginia or New York to reach unanimity on political issues. Among them, it is true, opposition to independence was at first very strong, yet some of the most determined of Britain's foes in the province were Anglican communicants. John Adams thought that the reluctance of the Middle Colonies to commit themselves to the most radical measures arose from the fact that they had not tasted the "bitter cup" nor "felt the smart" as had some of their neighbors, but he was hopeful of Maryland,[37] although the sources of her conservatism lay deeper than that and may be found in the church-state relation which had contributed to political calm, as far as the mother country was concerned, for more than three-quarters of a century.

Scarcely six weeks before the adoption of the Declaration of Independence, Marylanders, despite their distrust of the proprietary government, were loath to cut the bonds with Britain. They still hoped the unhappy differences with the mother country would be ended.[38] While prayers for the King in accordance with the Anglican prayer book were in general omitted, the second collect for him in the communion service was retained.[39] On June 14, 1776,

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[37] John Adams to Benjamin Hichborn, May 29, 1776. E. C. Burnett, *Letters of the Members of the Continental Congress* (Washington, 1921), I, 467-468.

[38] *Proceedings of the Convention of the Province of Maryland*, May 25, 1776, p. 156.

[39] *Ibid.*

Maryland stood all but alone in refusing to instruct its delegates to the Continental Congress to vote for independence.[40] One week later, having received assurances that the question of separation from England would not be decided immediately, the provincial delegates were summoned home for advice and consultation.[41] Decision came quickly. On June 28 the restrictions previously imposed by the convention were removed, and the delegates to the Congress were instructed to vote unhampered with the other delegates on all questions relating to independence.[42] Even John Adams, caustic critic of all who had been reluctant, admitted that the "refractory" province had in the end "behaved well."[43]

Yet the wrench from the old moorings had been a severe one. Only two days after the historic fourth of July, the provincial convention indicated as a second wish that it would have been content to remain dependent on Great Britain.[44] It left on record the reason for the separation: to procure "an exemption from Parliamentary taxation and to continue to the legislatures of these colonies the sole and exclusive right of regulating their internal polity;" this was the "only motive."[45] Apparently problems of church and state are excluded from any part whatever in the proceedings leading to independence, but on second thought the term "internal polity" is seen to include the administration of the church establishment. Under the Erastian system, church administration was largely in the hands of the civil authorities, and their reluctance to alter this sys-

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[40] J. H. Hazelton, *The Declaration of Independence: Its History*, p. 129. Maryland was not "alone" as Hazelton says, but she was among the last.

[41] *Proceedings of the Convention of the Province of Maryland, June 21, 1776*, p. 166.

[42] *Ibid.*, p. 176.

[43] E. C. Burnett, *Letters of Members of the Continental Congress*, I, 522.

[44] *Proceedings of the Convention of the Province of Maryland*, 1774, 1775, and 1776, p. 203.

[45] *Ibid.*

tem is but another illustration of the influence of the church in preserving traditional methods. The leaders of political thought in Maryland at the opening of the Revolution were more busy with matters outside the realm of the church. Superseding proprietor, king, and parliament, they appeared willing to maintain the *status quo* respecting the church. The democratic tendency gaining headway in the province in the years just preceding the Revolution required the full impact of war's upheaval before long established institutions could be drastically changed.

How little religious forces gave direction to Maryland's course at this momentous period can be seen in a brief survey of the conventions ostensibly called to take over affairs until reconciliation with England should be achieved. The first and second meetings of the committee appointed for this work met in 1774, from June 22 to June 25, and from November 21 to November 25. No question of a religious nature was before the delegates at any time.[46] The third meeting held December 8-12 of the same year enthusiastically voted that all differences concerning religion "cease and be forever buried in oblivion."[47] The fourth meeting from April 24 to May 3, 1775 had no religious question before it. The fifth, from July 26 to August 14, without sectarian discrimination, exempted from the military service clergymen of all denominations and persons who, from religious principle, opposed the bearing of arms.[48]

The sixth session of the Maryland Convention, from December 7, 1775, to January 18, 1776, was the longest. On December 12, it was decided to bring the Reverend John Patterson before the convention to answer for his sharp

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[46] Cf. *Proceedings of the Conventions of the Province of Maryland,* 1774, 1775, and 1776, pp. 1-6.

[47] *Ibid.,* 10.

[48] For reports of the fourth and fifth meetings of the Convention, see *Ibid.,* 11-20.

criticism of it. The deliberations concerning his case contain no reference to his sectarian affiliation. He was merely censured and discharged on his promise to do better in the future.[49] The convention treated the charges against this minister of the gospel purely from the angle of a civil offense, and there is no evidence that his religious beliefs entered at all into the proceedings. The same is true of the case of Samuel Purviance, Jr., which is of interest only from the fact that he was a member of the Presbyterian persuasion and a dissenter from the Established Church.[50] When he was called before the convention for writing, while chairman of the committee of Baltimore County, that the convention and Council of Safety[51] were "irresolute and afraid", he was reprimanded and censured for his conduct.[52] No reference was made to his religious affiliation nor is there any indication that it played any part in the decision regarding him.

The only other instances where any religious influences could have been injected into the deliberations of any of the conventions were matters relating to oath taking. On this subject the delegates appear very inconsistent; but there is no evidence that animosity was aroused at any time when the matter was before the delegates.

A brief glance at the voting of some prominent delegates in these conventions, sitting while the Declaration of Independence was being drawn up, also indicates how little church affiliation influenced decisions. To do so it is necessary to canvas only the nine recorded votes of

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[49] *Ibid.*, pp. 53-54. He had to pay the charges in bringing him to the convention.

[50] On a list of petitioners in 1774, for a Presbyterian church in Baltimore appears the name of Samuel Purviance, Jr. Cf. *Maryland Historical Magazine*, IV, 230.

[51] The Council of Safety was the body that carried on during the periods when the convention itself was not in session.

[52] *Proceedings of the Conventions of the Province of Maryland, 1774, 1775, and 1776*, pp. 138, 144.

the Convention which was concerned largely with the question of independence. From the list of delegates seven will be chosen, typical of the more prominent ones. These are selected because their church fellowship is known; and their record of voting is indicative of that in the Convention as a whole. For this purpose, attention is called to the interest shown by Charles Carroll of Carrollton, Charles Carroll, barrister, both at this time Roman Catholics,[53] and Samuel Chase, Thomas Johnson, Jr., George Plater, Robert Goldsborough, and James Tilghman, all of whom were members of the Established Church.

The records in respect to the voting of these seven delegates show no concerted policy whatever. They indicate little interest on any issue on the part of George Plater, Robert Goldborough, and James Tilghman. Plater was present only for the first recorded vote on June 24, and there is no evidence that he ever voted at the Convention afterward.[54] Robert Goldsborough was present for the first three recordings of votes[55] and was absent when the last six were made.[56] James Tilghman voted on the first occasion of vote recording, June 24, but was absent on the next three.[57] When the first three records of votes cast on July 5 were made, although present, he failed to cast a vote.[58] He voted when the eighth record was made on the same date,[59] but failed to declare himself when the ninth

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[53] Charles Carroll of Carrollton was a Roman Catholic, a fact too well known to demand further confirmation. That Charles Carroll, barrister, was of the same faith at this time can be seen by referring to *American Archives*, 4, IV, 680; and B. C. Steiner, *Life and Administration of Sir Robert Eden* (Baltimore, 1898), p. 98.

[54] *Proceedings of the Conventions of the Province of Maryland*, p. 167 ff.

[55] *Ibid.*, pp. 167-182.

[56] *Ibid.*, pp. 189-201.

[57] *Ibid.*, pp. 167-192.

[58] *Ibid.*, pp. 193-196.

[59] *Ibid.*, p. 197

record was made on July 6.[60] George Plater, Robert Goldsborough, and James Tilghman, were all members of the Established Church, but no influence of religion can be seen in the votes they cast. No tendency to work together in any way is shown.

The voting of the two Catholic members of the Convention, Charles Carroll of Carrollton and Charles Carroll, barrister, is interesting from a viewpoint of the influence of religion on their political thinking. On the first four recorded votes, these two fellow churchmen voted together, and on the next four they stood on opposite sides of the questions.[61] On the last vote, Charles Carroll of Carrollton was for the affirmative, but Charles Carroll, barrister, though present, failed to cast a vote.[62] No influence of religion can be seen in the voting of these members of the Catholic Church as recorded by the Convention that gave to the province her independence. In fact, Charles Carroll of Carrollton worked much more closely with Thomas Johnson, Jr., than with his fellow churchman Charles Carroll, barrister. Of the seven members whose recorded votes we are considering, Charles Carroll of Carrollton and Thomas Johnson, Jr., were the only two who were present and voting each time a record was made.[63] In the first eight recordings these men, differing so widely in religion, are seen to have voted together. They opposed each other on the ninth and last only.[64] It is hard to see any influence of religion in the work of the two Roman Catholics and that of Thomas Johnson, an Anglican, when a comparison is made of their recorded votes in this Convention.

The issue on which the two Catholic Carrolls split was a resolution introduced by Samuel Chase and was neither

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60 *Ibid.*, p. 201.
61 *Ibid.*, pp. 167-197.
62 *Ibid.*, p. 201.
63 See *Ibid.*, pp. 167-201
64 *Ibid.*, p. 201.

religious or political, but rather economic. Chase was careful to have in the minutes a statement to the effect that he was acting in response to instruction from Anne Arundel County.[65] It was a principle of Samuel Chase that a delegate should heed the voice of his constituents, and it is doubtful if the resolution he introduced was in accordance with his own views. It directed that all public and private interest on money "cease and determine" during the period of distress then confronting the colony, except on such as was loaned in the last three months. Chase would make country produce a legal tender for interest on such loans. The resolution was voted down. He then introduced another, in response to the request of his constituents, to the effect that all rents be paid in country produce at rates of value set by the committee of observation at the time of contract. This was lost also. Although Chase could do nothing else than vote in the affirmative, his attitude on two similar bills introduced immediately by two other members is interesting. It probably indicates better his convictions on his own motions. The first of these, introduced on the same date as were those by Chase, required that all interest on bonds, or contracts, except on loan office bonds, "cease and determine" during the period of distress. The second one provided that interest on bonds or contracts could be paid in corn, wheat, tobacco, flour, hemp, or cotton, at prices agreed on by the creditor and lender, or fixed by the committee of observation. These two motions were very similar to the ones introduced by Chase, and both were defeated. Samuel Chase, however, though present, refrained from voting.[66] On the resolutions of Chase, and the two similar ones which followed, Charles Carroll of Carrollton voted in the negative, while Charles Carroll, barris-

[65] *Ibid.*, pp. 192, 193.
[66] *Ibid.*, pp. 196-197.

ter, voted affirmative on all four of them.[67] The Catholic Carrolls voted independently, and the vote of the six members of the Anglican Church as recorded shows the same tendency.

The work of Samuel Chase is interesting in the light of an attempt to find the place of religion in the movements confronting the Convention of which at this time he was a member. There is no evidence that it influenced his vote in this body of delegates that sat from June 21 to July 6, 1776. He appears as a politician, carefully feeling his way. In the first record made on June 24, Samuel Chase voted in the affirmative with both the Catholic Carrolls, Thomas Johnson, Jr., and George Plater, his fellow churchmen.[68] He was against Robert Goldsborough and James Tilghman, two others of his own faith, who voted in the negative.[69] The question before the delegates was a Resolve that all questions be settled by a majority vote. One is somewhat surprised to find any negative vote on such a question but Goldsborough and Tilghman were two who so voted. As seen above they seemed little interested in the work of these conventions. In the second recording on July 1, Chase voted in the negative, this time against both the Carrolls and Thomas Johnson, Jr., and supported by Robert Goldsborough only.[70] Neither George Plater nor James Tilghman was present.[71] The Resolution before them was for making all militia officers ineligible to a seat in the convention. It was carried in the affirmative. In the third record when but five of these seven members were present, the question put was "That if any field officer of the militia should be elected a member of the next conven-

[67] *Ibid.*, pp. 193-197.
[68] *Ibid.*, pp. 167-168.
[69] *Ibid.*, p. 168.
[70] *Ibid.*, p. 181.
[71] *Ibid.*, 179, 174, and 192.

tion his commission shall be voided." This was lost. Chase voted in the affirmative again, supported once more by Robert Goldsborough only. Both the Carrolls and Johnson were against him, and neither Plater nor Tilghman was present.[72] In the fourth, only the two Carrolls, Johnson, and Chase, of these seven, were present. They all stood for the negative.[73] Voting was on the question that ten shillings currency per day and reasonable charges for travel be substituted for the fourteen shillings per day they were then receiving. This motion failed. On July 5 four records of the yeas and nays were made. In the first of these, Samuel Chase voted in the affirmative, supported only by Charles Carroll, barrister, and negatived by Charles Carroll of Carrollton and Thomas Johnson, Jr. James Tilghman, though present, failed to express himself, and both Plater and Robert Goldsborough were absent.[74] The Resolution was one introduced by Chase in obedience to instruction from his constituents from Anne Arundel County. It was "that all public and private interest on monies 'cease and determine' during this period of distress, (except such as was loaned during the last three months)." It failed to carry.

In the second, the votes were exactly the same and were on another motion by Chase, on instruction from his constituents, that all rents be paid in county produce at rates of value at time of contract, set by the committee of observation. This motion also failed. In the third, on July 5, on a motion "That interest on bonds or contracts, except on loan office bonds, cease and determine during time of public distress," Samuel Chase, though present, left no record, while that of the others remained the same.[75] This motion was lost. The fourth recorded vote of these seven

[72] *Ibid.*, pp. 181-182.
[73] *Ibid.*, pp. 190-191.
[74] *Ibid.*, pp. 192--197
[75] *Ibid.*, p. 196.

men was an exact duplicate of the third of the same date, except that James Tilghman stood for the negative with Thomas Johnson, Jr., and Charles Carroll of Carrollton. The other Catholic member of this Convention, Charles Carroll, barrister, voted on this occasion in the affirmative.[76] The motion before the delegates was "That interest on bonds or contracts be paid in corn, wheat, tobacco, flour, hemp, or cotton, at prices agreed on by creditor and debtor, or committee of observation." It failed to carry. In the ninth and last record of the yeas and nays, these seven men cast only three votes. Samuel Chase and Charles Carroll of Carrollton voted in the affirmative against Thomas Johnson, Jr. Charles Carroll, barrister, and James Tilghman, though present, failed to record their votes, and George Plater and Robert Goldsborough had as yet not returned to the Convention.[77]

The nine tabulations of votes in the Maryland Convention just prior to the adoption by the Continental Congress of the Declaration of Independence are too few for any wide generalizations. They are, however, an indication that at this time there was no concerted action among fellow churchmen or politicians. Voting was independent on the part of delegates and gives no hint whatever of any sectarian influence.

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[76] *Ibid.*, p. 197
[77] *Ibid.*, p. 201

CHAPTER VI

RELIGION AND THE FIRST MARYLAND CONSTITUTION

The adoption of the Declaration of Independence in 1776 was to Maryland, as to all other English colonies, an event of supreme importance. It presupposed the calling at once of a constituent convention to draft a foundation of Government for the new state. A beginning had been made even before the historic event of the fourth of July. On the previous day the Maryland Convention had elected delegates to frame a constitution. They met on August 14 and continued their deliberations until November 11. In contrast to the work of the provincial convention just reviewed, the votes of the delegates to this assembly furnish excellent data for the study of the place of religion in the state during the Revolutionary era.

With the exception of Tilghman, all the ,members whose records were surveyed in the last chapter, were returned to this new body. Charles Carroll, barrister, who in the former convention had shown a marked interest in the work, remained in the constituent convention less than two weeks, when both he and Samuel Chase resigned their seats. Carroll never came back, but Chase, after a brief absence, returned on September 10 and remained throughout the session except for one short period. Robert Goldsborough also left on September 14 and never returned.[1] As only fifteen instances of vote recordings had

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[1] *Proceedings of the Conventions of the Province of Maryland* (Baltimore, 1836), p. 256.

been made by that date, his attitude on many issues cannot be ascertained. Only seven records had been made when Charles Carroll, barrister, resigned. Therefore, in place of Goldsborough and Charles Carroll, barrister, the names of William Paca and John Hall will be substituted for the purpose of determining the influences at work in the constituent convention. Both Paca and Hall were members of the Established Church of Maryland. Of the seven members—Samuel Chase, Charles Carroll of Carrollton, Thomas Johnson, Jr., George Plater, William Paca, Charles Ridgely,[2] and John Hall—whose work will be followed, all were members of the Established Church except Charles Carroll of Carrollton, the Roman Catholic. These seven are chosen because their church affiliation is known and because all were leaders in the work of the Convention. While there are others whose religious faith can be ascertained, that of the large majority of the delegates is hard to find. In 1767 an elector of Anne Arundel County gave his view of the qualifications of an office holder, and it is important to note that religion was not one of them.[3] The same lack of interest in church affiliation seemed characteristic in 1776; and one looks in vain for any reference in the Maryland constitutional convention to the church membership of any delegate.

About the first matter of importance confronting the delegates was to arrange for a committee to draft a "Declaration of Rights" and a "Form of Government."[4] The work of the Convention was divided in relation to the developments respecting these two instruments. From August 14 to October 30, attention was more or less centered on matters of general interest, while waiting for specific provisions to be drafted; and from October 31 to

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[2] Ridgely is substituted in place of Tilghman.

[3] *Maryland Gazette*, December 3, 1767.

November 11, the Convention was concerned largely with debate on the clauses of the two documents.

The first outline of a Declaration and Charter of Rights was brought in by George Plater on August 27 and was ordered to be printed for the benefit of study by the delegates.[5] It apparently created little interest. On September 10, he submitted a fuller draft of both the Declaration of Rights and Form of Government.[6] The next day consideration of them was postponed until September 30.[7] On September 17 it was decided to print copies for the information of the people at large.[8] The Convention adjourned at once to September 30,[9] but did not actually resume business until October 2.[10] Then began a tedious deferring of consideration of both the Declaration of Rights and the Form of Government until finally it was decided to settle down to a careful study of them on October 31.

During the first period, while waiting for the opportunity to give attention to both these instruments of government, thirty-two recordings of votes in the Convention were made. Of the seven delegates whose voting is being followed, only three were present for the first recording on August 15, the day after the scheduled opening on August 14. These three were Samuel Chase, William Paca, and Charles Ridgely.[11] Charles Carroll of Carrollton did not take his seat until August 17,[12] entering just in time for the sixth record.[13] George Plater entered on August 15 but cast his first recorded vote on the 17th.[14] Thomas Johnson,

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[5] *Ibid.*, p. 228.
[6] *Ibid.*, p. 251.
[7] *Ibid.*, pp. 251, 258.
[8] *Ibid.*, p. 258.
[9] *Ibid.*, p. 260.
[10] *Ibid.*, p. 261.
[11] *Ibid.*, pp. 212-213.
[12] *Ibid.*, p. 220.
[13] *Ibid.*, p. 221.
[14] *Ibid.*, pp. 215, 221

Jr., arrived in time for the ninth recording of votes on September 6.[15] John Hall, was, of the seven, the last to arrive. He reached the Convention in time for the eleventh recording on September 10.[16]

The first opportunity for showing sentiment on a religious question came on the second day of the session when the motion was before the house that a certain Mr. Lendrum read prayers before the Convention. The prayers were probably after the Anglican forms, and it is interesting that of the four Church of England delegates, in this group of seven, who were present, only three cast a vote—two in the affirmative and one negative.[17] Carroll, Johnson, and Hall, had as yet not taken their seats. The motion carried. The second occasion where religious sentiments might have been a factor in voting came on August 28, when a move was on to commit to prison and fine heavily a Reverend John Scott, whose religious faith was not made a matter of record. By this time Carroll of Carrollton had taken his seat. Carroll voted in the negative with the Anglican delegates Paca and Plater, and against Charles Ridgely, the fellow churchman of the latter two, who voted to commit and fine the minister. The motion was lost.[18]Samuel Chase had resigned and left the convention the day before,[19] and neither Thomas Johnson, Jr., nor John Hall had as yet arrived.[20]

In the thirty-two records of voting made before taking up on October 31 the specific work for which the Convention was called, there were only three instances when all

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[15] *Ibid.*, pp. 241-242. Johnson took his seat on August 30. *Ibid.*, p. 233. He left the Convention on September 13 and did not return till October 7. *Ibid.*, pp. 255 and 266 respectively.

[16] *Ibid.*, pp. 248, 251.

[17] Chase and Paca affirmative and Ridgely negative. Plater, though present, failed to record a vote. *Ibid.*, pp. 215, 217.

[18] *Ibid.*, p. 231.

[19] *Ibid.*, p. 228.

[20] *Ibid.*, pp. 233, 248.

seven members, whose voting records are under review, were present and voting. These were the twenty-third and twenty-fifth records of October 8, and the twenty-seventh of October 10. In none of these records was there any question of religion involved.

The first question before the house on October 8 was that no person from Maryland was to serve in the General Congress unless he was a delegate in the Convention. This failed to carry. In the twenty-fifth recording of votes on the same date the delegates were expressing their sentiments on the question of ten shillings per day and traveling expenses as renumeration for their services. On the 27th, the delegates were recording their sentiments on the resolution that, on questions determined by the house as a committee of the whole, the yeas and nays should be recorded, if moved and seconded by any member of the house. This failed to carry. In each of these instances, only Ridgely voted in the affirmative against his five fellow churchmen, and the one Roman Catholic, Charles Carroll of Carrollton. The latter voted on the winning side with the five members of the Anglican Church.[21]

From the opening of the Convention to October 30 inclusive, there were seven instances of vote recording when six of these seven men were present and voting. They voted unaminously only twice. The twelfth record of voting was made on the matter of continuing the work of a committee until December 1. Only John Hall voted negatively.[22] On the thirteenth and fourteenth instances, all six members who were present voted unanimously in the affirmative, the winning side.[23] In one instance the question was regarding a postponement of discussion on the

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[21] For the twenty-third and twenty-fifth record of the votes cast see, *Ibid.*, pp. 268 and 269-270 respectively, and for the twenty-seventh record. *Ibid.*, pp. 274-275.

[22] *Ibid.*, pp. 250-251.

[23] *Ibid.*, pp. 251-252

Charter of Rights and the Form of Government; and it was decided to postpone. In the other, the question concerned delegates to the Continental Congress. Four delegates including Thomas Stone had been appointed. The Catholic delegate, Charles Carroll of Carrollton, cast his vote with the Anglican members in all three cases under consideration. On the eighth of October, when the twenty-fourth record was made of the votes cast, all the seven men were present, but for Thomas Johnson, Jr. no vote was recorded.[24] All the others stood for the affirmative except Charles Ridgely, who again voted in the negative on the losing side.[25] The question before the delegates was a matter of remuneration for the representatives to the Continental Congress. On the same date, was made the twenty-sixth record. Three of the seven, Chase, Carroll, and Thomas Johnson, Jr., voted in the negative, while three others, Paca, Ridgely, and Hall, opposed them. Plater, though present, showed no interest.[26] This vote taken on the motion of choosing a Committee of Observation for Hartford County and judges of elections, indicates that these seven delegates stood as individuals and were guided by no church or group influence.

On October 30, the last day of this first period, was made the thirty-first and thirty-second recording of votes. In the first of these all seven delegates were present, but George Plater failed to vote. All the other members acted together in the affirmative except Charles Ridgely, who cast a negative vote on the losing side.[27] The thirty-first recording of votes was on a Resolve "that the Bill of Rights, as reported by the committee of the whole, be printed for the members of the convention before given consideration." An amendment striking out

[24] *Ibid.*, p. 269
[25] *Ibid.*
[26] *Ibid.*, p. 271.
[27] *Ibid.*, p. 294.

all reasons leading to this resolve was carried in the affirmative. On the thirty-second record, the original resolve regarding printing the Bill of Rights for the members of the convention failed to secure an affirmation. George Plater, though present, again failed to cast a vote. The other delegates split on the motion before them. Chase, Paca, and Hall, stood for the negative with Charles Carroll of Carrollton. Thomas Johnson, Jr., and Ridgely cast their votes in the affirmative, the losing side.[28] It is hard to see any influence of either religion or politics in a record of voting such as the foregoing.

Before checking the voting on the various phases of the "Declaration of Rights" and "Form of Government," which was taken up on October 31, it is well to observe the attitude of the constitutional convention and of the provincial convention which preceded it on the issue of oath taking. In general it can be said of the provincial convention that, while there were instances where an oath was required,[29] there were other times where an affirmation in lieu of the oath was allowed.[30] During the sessions no reference was made to Quakers, as such. In the constitutent convention the regulations adopted pertaining to oath taking and affirmations seem at times most inconsistent.[31] The tendency, however, is obviously toward the more liberal policy. Quakers are mentioned as eligible for special consideration.[32] In enforcing the

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[28] *Ibid.*, pp. 294-295.

[29] *Ibid.*, p. 33; also action of June 25, 1776. *Ibid.*, p. 169.

[30] July 3, 1776. *Ibid.*, pp. 187-188.

[31] For instance when on August 21 in convention a board of three were appointed as auditors of accounts and expenditures to make adjustments of such due the state, they were required to make oath or affirmation, while their clerk must take an oath and no affirmation was allowed. *Ibid.*, p. 225. See also pp. 209-210, 240-241.

[32] *Ibid.*, p. 254.

policy that every patriot be required to subscribe to the associations,[33] religions convictions were respected.[34]

On October 30, the committee of the whole reported the Declaration of Rights, which was given consideration the next day.[35] Voting was soon in progress on each article as read to the delegates.[36] When it was first presented by the Committee, a resolution to print copies for study by members of the Convention, before taking it up by the body as a whole, was as we have seen, voted down. Of the seven members whose record of voting we are considering, all were present and all voted except George Plater. This was the thirty-second record by this Convention, and the lineup of these members has already been studied. It is interesting to note that this apparently reasonable suggestion was negatived, and that Samuel Chase, William Paca, John Hall, and Charles Carroll of Carrollton voted on the winning side and against the motion.[37]

On the thirty-first of October there were four instances when a record of the yeas and nays was made, but only on the last was there any question that might be classed as religious. The case in question concerned Article XIX of the "Declaration of Rights" which gave the accused the right to examine witnesses against him "on oath."[38] An attempt to have inserted the words "or affirmation" after the word "oath" failed, and in the vote cast, Samuel Chase, Charles Carroll of Carrollton,

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[33] By association is meant the measures adopted by the colony of Maryland to bring pressure on the mother country through economic boycott.

[34] *Proceedings of the Conventions of the Province of Maryland,* p. 272.

[35] *Ibid.,* pp. 293, 296.

[36] *Ibid.,* p. 301. The final Declaration of Rights as amended and agreed upon by the delegates in convention can be found in the *Proceedings of the Conventions of the Province of Maryland,* pp. 311-316. For the Draft as originally submitted, see *Ibid.,* pp. 296-301.

[37] *Ibid.,* pp. 294-295.

[38] *Ibid.,* p. 298

William Paca, Thomas Johnson, Jr., John Hall, and George Plater, all voted negative with Charles Ridgely of the seven casting the only affirmative vote on the losing side.[39]

Article XXXIV of the Declaration of Rights as originally submitted was of great importance. Though it stressed the duty of every man to worship God in the manner he deems most acceptable to Him, the article guaranteed religious liberty only to persons professing the Christian religion. While its provisions were under discussion, the suggestion was made that in the discretion of the legislature "a general and equal tax for the support of religion" might be laid. This was carried in the affirmative, as an amendment, and became the working policy under the Constitution of 1776 for the new state of Maryland.[40] Of these seven delegates, all stood for it except Charles Ridgely who cast a negative vote.[41] Charles Carroll of Carrollton voted with the majority of the seven Anglicans on the winning side.[42]

On November 2, the same date when this vote was recorded, the delegates succeeded in having inserted in the Declaration of Rights an article which granted to those opposed to taking a judicial oath the right "to affirm, and that Quakers, Dunkers, or Mennonites, ought also on their solemn affirmation as aforesaid to be admitted as witnesses in all criminal cases not capital." Samuel Chase proposed an amendment to strike this out. His attempt failed. The whole proposal regarding the ad-

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[39] *Ibid.*, pp. 303-304. It is interesting to keep this vote in mind, especially as it pertained to Samuel Chase. This Article XIX as unamended remained in the form of the Declaration of Rights as finally adopted. *Ibid.*, p. 313.

[40] *Ibid.*, p. 307. This policy of a general tax for the support of religion became Article XXXIII in the Declaration of Rights as finally accepted. *Ibid.*, p. 314.

[41] *Ibid.*, p. 307. This vote was recorded on November 2.

[42] *Ibid.*

ministration of the oath was carried affirmatively, but the individual votes were not made a matter of record. This action became Article XXXVI of the Declaration of Rights as finally accepted.[43] It gave to Quakers, Dunkers, and Mennonites, the right to substitute an affirmation only in cases which they formerly had this right. The affirmation in lieu of the oath was not yet extended to them in capital cases in criminal courts.[44]

After the Convention had reached a majority agreement on the Declaration of Rights, the same procedure was begun on the Form of Government for the new state of Maryland, and discussion of each article was entered into at once.[45]

Article XXVI of this Form of Government was the first to be considered in which any religious opinions were even indirectly involved. It provided that the Council to the Governor might appoint a clerk who should attest his loyalty by an "oath or affirmation." Samuel Chase moved at once that the words "or affirmation" be struck out; and the motion was supported by his fellow churchmen William Paca and Thomas Johnson, Jr., and by Charles Carroll of Carrollton. Of the other members, Charles Ridgely voted in the negative, while John Hall and George Plater failed to vote.[46] Two days later, on November 6, the matter of the governor's oath-taking was given consideration, and again Samuel Chase moved

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[43] *Ibid.*, p. 315. In the vote on the amendment by Samuel Chase against a liberal policy toward those opposed to judicial oath-taking, the other six members under consideration in regard to voting, including the Catholic Carroll, all voted unanimously against Chase and in the interest of the broader policy. *Ibid.*, p. 309.

[44] *Ibid.*, pp. 315-316. An attempt had been made by a Mr. Earle to have incorporated in the Declaration of Rights an article allowing those opposed to judicial oath-taking to make a solemn appeal or affirmation in all civil and criminal cases. This, however, failed. *Ibid.*, p. 308.

[45] The Convention began working on the Form of Government on November 4. *Ibid.*, p. 329.

[46] *Ibid.*, pp. 333-334.

to require an oath of allegiance from "every senator" and "delegate of the Assembly." Of the seven delegates, the motion of Chase received support of only two of his fellow church members—Charles Ridgely and George Plater. Another, John Hall, failed to cast a vote, and two others, William Paca and Thomas Johnson, Jr., with the Catholic member, Charles Carroll of Carrollton, voted against it.[47]

To make an interpretation of the motives that actuated the members of this Convention in their voting still more baffling, it is only necessary to note that in the next record of the votes cast, the Convention decided to require such an oath from every "judge and justice."[48] Evidently it was regarded as more important for them than for senators and delegates to the Assembly. The seven members under consideration, however, were consistent and voted the same on both motions.[49]

Samuel Chase's attitude on the question of oath-taking is hard to understand. In every instance thus far where an attempt was made to insert the words "or affirmation" following the word "oath," he always voted against the motion. One is surprised, therefore, to find that he moved on November 5 for an insertion in the Form of Government of an article allowing "an affirmation" in cases where an oath of support or fidelity was demanded of every person voting for delegates, senators, or sheriff, if the oath or affirmation be required by three persons qualified to vote. Under the leadership of Chase the motion was carried and became Article XLIII of the Form of Government as finally adopted.[50] The attitude of Chase on the matter of al-

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[47] *Ibid.*, pp. 339-340.
[48] *Ibid.*, p. 340.
[49] *Ibid.*
[50] *Ibid.*, p. 359. The vote of members on this motion was not recorded. *Ibid.*, p. 337.

lowing "an affirmation" in lieu of a judicial oath was again complicated the next day when a Mr. Scott attempted to get added to the Form of Government an article requiring of senate electors an oath to support the state.[51] At once a delegate, Mr. Bayly, moved for an amendment allowing "an affirmation" to be substituted in lieu of it.[52] The amendment was voted down, with Samuel Chase voting against it. Of the other members, the votes of four, including Carroll, were cast against the amendment calling for an affirmation. Charles Ridgely alone of the seven cast a vote in favor of it. William Paca refrained from voting.[53] The influence of church affiliation is not evident in this record of voting. The delegates stood as individuals, and the motives which guided them are hard to ascertain from any analysis of the votes which they cast.

Two other instances of a recorded vote, although on questions far more political than religious, make more evident the difficulty of discovering why delegates to this Convention voted as they did. On November 8, Samuel Chase wanted inserted into the Form of Government an article prohibiting any person who had refused (unless from religious principles) to subscribe to the association on or before the fourth of July, from holding any office of trust or profit, unless relieved by Act of the General Assembly.[54] The resolution was lost, and only John Hall supported Chase on the issue. Three others of the seven under study, Thomas Johnson, Jr., Charles Ridgley, and George Plater, voted in opposition to it. The other two, William Paca and Charles Carroll of Carrolton, cast no vote.[55] An indication of how the voting swung

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51 *Ibid.*, p. 342.
52 *Ibid.*
53 *Ibid.*, pp. 342-343.
54 *Ibid.*, pp. 348-349.
55 *Ibid.*, p. 349.

on trifles is illustrated by the motion which was presented by Patrick Ewing, a member from Talbot County. It was almost identical with that of Chase, except a little more drastic, for it would allow no person in the class prohibited by Chase's motion to be relieved even by the General Assembly.[56] On the article advanced by Chase, Ewing failed to vote.[57] Samuel Chase, however, voted for Ewing's motion, as did Paca who had cast no vote in support of the one by Chase.[58] All others of the seven voted the same on both resolutions except Carroll who opposed Ewing's motion.[59] Such a record only complicates the problem of finding the real motives back of the voting in this important convention in which the first constitution for the new state was written.[60]

That church affiliation played little part in the voting of the delegates is obvious, but the place of religion in their deliberations can nevertheless be seen. Although the votes on some sections of the Declaration of Rights and Form of Government were not made a matter of record, the implications of the final result should not be overlooked.

So far as religous liberty was concerned, the Convention made no advance beyond the province's traditional toleration. Its members must have been familiar with the eloquent pleas of such Virginians as Patrick Henry and Thomas Jefferson for a broad and generous tolerance; but they failed to imitate Virginia's Declaration of Rights in their own Declaration. James Madison had phrased a philosophy which repudiated the bigotry of centuries and, through the aid of George Mason, had persuaded his Virginia colleagues to agree "that religion, or the duty

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[56] *Ibid.*, pp. 365-366.
[57] *Ibid.*, pp. 348-349.
[58] *Ibid.*, pp. 349, 365.
[59] *Ibid.*, pp. 348-349 and 365-366 respectively.
[60] Cf. B. C. Steiner, *Life and Administration of Sir Robert Eden*, p. 80.

which we owe to our Creator, and the manner of discharging it, can be directed only by reason and convictions, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other."[61] Though there was no specific provision of the Virginia constitution to give substance to this sentiment, nothing in the document was inconsistent with it.[62]

The other states fell short of Virginia's ideal. Maryland merely continued its long established practice of tolerating Christians, granting freedom of public and private worship to Protestant and Catholic alike. The tests of office holding in the new state government included a profession of belief in the Christian religion.[63] This militated against both Jews and free thinkers. Although few of the former had entered the colony in the proprietary period, those who were there secured no relief from this disability until the Constitution of 1851 allowed them to substitute a declaration of "belief in a future state of reward and punishment."[64]

Although the Declaration of Rights, which finally became a part of Maryland's first constitution, guaranteed religious liberty to all Christians,[65] the larger aspect of religious equality was lacking. There was discrimination, for example against Quakers, Dunkers, and Mennonites for

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[61] W. W. Hening, *Statues*, IX, 111, 112, G. Hunt, "James Madison and Religious Liberty," *American Historical Association, Annual Report*, 1901, I, 165-167.

[62] E. B. Greene, *Religion and the State in America*, p. 78.

[63] Massachusetts imposed the same requirement, while New Jersey, North Carolina and South Carolina limited office holding to Protestants. Pennsylvania's legislators had to accept the Scriptures as of divine inspiration.

[64] Poore, *Federal and State Constitutions*, I, 839; Hollander, "Civil Status of Jews in Maryland, 1634-1776," *American Jewish Historical Society Publications*, II, 41, 42.

[65] *Proceedings of the Conventions of the Province of Maryland*, p. 314.

these sects, although protected in their liberty to worship, were denied the right to appear as witnesses in capital criminal cases. This prohibition stemmed from the denial to them of the right to make an affirmation in lieu of the oath required of such witnesses. It was not removed until the adoption of a constitutional amendment in 1798.[66] It is true that the phrase "according to the dictates of conscience" can not be found in this constitution of 1776; but the failure to grant real equality to all Christian sects was even more inconsistent with the spirit of the Revolution which gradually permeated American thought and brought full freedom in matters of religious belief.

Disestablishment in Maryland came as an easy consequence of the Revolution. Jonathan Boucher had thought that the compromise act of 1773 would be the death blow to the establishment; but it was not until the Declaration of Rights became a part of the fundamental law of the new state, that disestablishment was brought about.[67] Nothing in the constitution, however, prevented the state from maintaining some connection with the church. The right to lay a tax for the support of religion still reposed in the legislature. In retaining this right Maryland was in direct harmony with the prevailing thought of pre-Revolutionary days. The principle of a state or established religion, differing, of course, in some aspects of application, was the one commonly held and followed throughout most of the colonial era.[68] A general tax for

[66] Poore, *Federal and State Constitution*, I. 829. Benj. H. Hartogensis, "Unequal Rights in Maryland Since 1776," *American Jewish Historical Society Publications*, XXV (1916), 93, 101.

[67] *Maryland Historical Magazine*, VIII, 236-238; Gambrall, *Church Life in Colonial Maryland*, pp. 254, 271.

[68] C. J. Stillé, *Religious Tests in Provincial Pennsylvania* (Philadelphia, 1885), p. 10. So well grounded was this policy that in every constitution except one framed by the new states after the Declaration of Independence there was recognized some connection between church and state. The one exception was New York. Cf. J. L. Diman, "Religion in America, 1776-1786," *North American Review*, CXXII, 7. Yet New York's Constitution of

the support of religion was favored by such patriots as George Washington, Patrick Henry, John Marshall, and Richard Henry Lee, even after the adoption of the Declaration of Independence.[69] Just before the First Continental Congress met James Madison was fearful that the Virginia Assembly was too much concerned with ecclesiastical establishment to give attention to the matter of toleration of dissenters.[70] With the idea so firmly entrenched in both collective and individual thinking, it is little wonder that conservative Maryland failed in her constitution of 1776 to break with the principle of a tax supported religion. Samuel Chase, Wm. Paca, Thomas Johnson, even Charles Carroll of Carrollton, supported this plank in the constitutional platform, when it was before the convention for a vote.[71] When Chase and Paca had attacked the validity of the Vestry act of 1702, they had been careful to record their sentiments as not opposed to a state supported religion.[72]

But even before this there were some loyal church men who dared to assert opposition to the policy. The "Hominy Club," for instance, was made up largely of Anglican laymen, among them Lloyd Dulany, Thomas Jennifer, Anthony Stewart, William Stewart, William Eddis,

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1777 prohibited ministers of the gospel from holding any civil or military office. Poore, *Federal and State Constitutions,* II, 1338-1339.

[69] Washington to Mason, October 3, 1785. Kate Mason Rowland, *The Life of George Mason* (New York, 1892), II, 89. C. J. Stille, "Religious Liberty in Virginia," *American Historical Association Papers* (New York, 1899), III, 209. Cf. also: A. B. Hart, "Washington's Own Words on Religion," A. B. Hart, ed. *George Washington Bicentennial Commission* (Washington, 1931), Pamphlet No. 5, p. 28. J. H. Eckenrode, *Separation of Church and State in Virginia* (Richmond, 1910), p. 83.

[70] Madison to Wm. Bradford, April 1, 1774. *Letters and Other Writings of James Madison* (Philadelphia, 1865), I, 14.

[71] Above, p. 151.

[72] *Maryland Gazette,* January 14, 1773.

William Paca, John Brice, and John Hall.[73] Jonathan Boucher, Rector of St. Anne's Parish, also became a member. His acceptance into membership caused William Stewart facetiously to voice his opposition to the introduction of any more "priestly influence into the club." In more serious vein, however, he and Dieut Dulany, in a written representation in 1771, expressed disapproval of the maxim "that no government can be complete without an alliance with the church."[74] A few years earlier Daniel Dulany had written Secretary Calvert that dissenters in the colony looked upon support of the established church as a "disagreeable burden."[75] A writer signing himself "Consistent Protestant," took the position that the condition within the ranks of the established clergy, which was the cause of so much concern to both themselves and the laity, was due to clerical dependence upon the state for support.[76] A hand was "writing on the wall"; but leaders in both state and church were so blinded by traditional policy that they could not read the writing.

It should be noted, however, that according to the first state constitution each individual paying the tax for the support of religion was given the right to designate to what church or minister it should go. If he had no church preference he could apply it as a benifit to the poor.[77] Maryland was making progress toward a fuller measure of liberty in ecclesiastical matters, but it was slow. As late as 1777 there were still advocates of a state-supported religion willing to avow their sentiments in a public way. A writer

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[73] *MS Collections: Gilmore Papers,* III, Division I, No. 14 (Maryland Historical Society, Baltimore).

[74] *Ibid.,* No. 17.

[75] Letter under date of September 10, 1764. *Calvert Papers, № 2, Fund Publication No. 34* (Maryland Historical Society, Baltimore), 240.

[76] *Maryland Gazette,* August 19, 1773.

[77] *Proceedings of the Conventions of the Province of Maryland,* p. 314. Poore, *Federal and State Constitutions,* I, 819.

signing himself "Meanwell" in an article in the *Maryland Gazette* so declared himself, but there was no evidence in succeeding issues that he had aroused any comment on the part of his readers.[78] Churchmen apparently thought that caution was the wiser course.

In some respects the government still kept its hands on ecclesiastical affairs after disestablishment. All questions regarding the raising of money for the upkeep and repairing of buildings were within the province of the state legislature, and church wardens and vestrymen were prohibited by law from obtaining from the county any quantity of tobacco or sums of money for religious purposes.[79] The church was naturally thrown into a state of confusion by such legislation; and the clergymen who remained in Maryland during the dark days of the war were the chief sufferers.

A close observation of the Anglican church in Maryland indicates a spirit within, tending in the direction of more liberty and democracy even before the outbreak of the Revolution.[80] Circumstances in the colony had in a measure fostered its development. In the confusion of thought which followed the declaration of opinion of Chase and Paca against the validity of the Vestry Act of 1702, many parishioners refused to pay the clergymen their dues. Some courts sustained the people in their decisions.[81] Even prior to this, as early as 1768, when the question of clerical salaries was agitating the colony, some vestries made private arrangements with their rectors regarding their stipends.[82] After the disestablishment the

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[78] Cf. *Maryland Gazette* of June 19, 1777, and subsequent issues.

[79] *Proceedings of the Conventions,* pp. 314, 315.

[80] See letters of Sharpe to Baltimore and Hamersley under dates of March 31 and October 30, 1768. *Maryland Archives,* XIV, 480, and 548-549, respectively. For a full account of this movement see Chapter IV, p. 88ff.

[81] McMahon, *An Historical View of the Government of Maryland,* p. 400.

[82] Gambrall, *Church Life in Colonial Maryland,* p. 260.

plight of Anglican rectors was still more aggravated. The right of legislature to tax for the support of religion did not become effective until 1782; and from 1776 to 1779 no legal provision whatever was made for support of the clergy. They were forced to depend upon voluntary contributions which by no means equalled the thirty pounds per poll enforced since 1763.[83] During this period the people of a parish chose their own minister and continued the policy of making an agreement with him for his remuneration. He was sometimes made a member of the vestry. [85] as was authorized in the Act of 1702. By 1779, however, the General Assembly again concerned itself with church problems and in that year a bill for the establishment of church vestries became law.[86] This act, as it pertains to vestrymen and church wardens, resembled the Vestry Act of 1702, but it provided that fines for refusal to serve in either capacity were to apply only to those professing allegiance to the church of England,[87] an apparent gesture of friendliness toward dissenters. Vestrymen were to be chosen by all the inhabitants of the parish who contributed to the support of the church, and who could meet the qualifications of those entitled to vote for members of the General Assembly. The stipulations in this respect enhanced only slightly the cause of democracy.[88] It is doubtful whether the status of ministers was in any way bettered by the act. They still were chosen for a limited period, and their remuneration remained a matter of bargaining. Vestrymen could take subscriptions to raise the money for the rector's support only from those who were willing to pay.[89] The minister could no longer be named

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[83] *Ibid.*, p. 269.
[85] *Ibid.*, p. 275.
[86] Hanson, *Maryland Laws*, 1763-1784 (Annapolis, 1787), Chapter IX.
[87] *Ibid.*, Article XIV.
[88] Below p. 162ff.
[89] Hanson, *Maryland Laws*, 1763-1784, Chapter IX, Article XVI.

a member of his vestry.[90] By the new act the glebes and other properties once belonging to the Anglican Church were given to the vestrymen as trustees, but the income from such lands was to go to the support of the rector.

Had the people been left alone to work out their own system of church administration full religious equality would perhaps have been achieved earlier in Maryland than was actually the case under the guidance of the legislature. Democracy is essential to the development of liberty in both religion and politics; but it was only slightly fostered by the instrument of government upon which the legislature rested. Some insight into this aspect of the constitution of 1776 is essential to an understanding of the factors retarding the progress of religious liberty in the state.

The term "people," as it applied to the public economy of Maryland before and during the period of the American Revolution, is somewhat misleading. The "First Citizen," in an article against the Governor's Proclamation regarding fees, pointed out that in Maryland the government was almost independent of the people.[91] In the matter of both church and state only a small number actually were in a position to participate in problems of administration. The Maryland Constitution of 1776 shows how completely the masses were ignored. This document, which was the foundation of government for nearly three quarters of a century, was never submitted for popular approval.[92] This

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[90] Gambrall, *Church Life in Colonial Maryland.* p. 275.

[91] *Maryland Gazette,* July 1, 1773.

[92] B. P. Poore, *Federal and State Constitutions* I, 817, Footnote. An attempt was made to secure at least a measure of public sentiment by submitting a dozen copies of the constitution to each county for study. Allan Nevins, *American States During and After the Revolution* (New York, 1924), p. 157. However, a leader, Charles Carroll of Carrollton, voted against doing so. *Proceedings of the Conventions of the Province of Maryland,* pp. 258-259.

was not deemed necessary. The people made no clamor that it be done.

There is no evidence that the framers of the constitution were influenced by the discussions of the parlimentarians in Virginia, or by the attempts of the radicals in Pennsylvania, to write a fundamental law which would give the popular will immediate effect. Their work was done long before Massachusetts in 1780 showed that the constitutional convention and popular referendum could be successfully used to create the structure of government.

In Maryland, what purported to be popular representation was based on political divisions, without regard to population or the representative's place of residence.[93] Also there was introduced the principle of plural voting.[94] Residents of Annapolis, provided they had a freehold of 50 acres of land in the county distinct from the city, could vote for delegates for Anne Arundel County in addition to their own city delegates. Members of the House of Delegates were required to have property, real or personal, above the value of five hundred pounds current money,[95] and were to be chosen by men having a freehold of fifty acres, or property above the value of thirty pounds current money.[96] The same voters were to choose the electors of the senate. Senators must have holdings, real or personal,

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[93] Cf. Remarks on Mr. Jefferson's Draft of a Constitution for Virginia, sent from New York to Mr. John Brown, Kentucky, October, 1778. *Letters and Other Writings of James Madison* (Philadelphia, 1865), I, 187. B. C. Steiner, "Electoral College for the Senate of Maryland," *American Historical Association, Annual Report* (1895), 130.

[94] *Proceedings of the Conventions of the Province of Maryland, 1774, 1775, 1776,* pp. 317, 331, 350. This privilege of a double vote was not given the inhabitants of Baltimore. Poore, *Federal and State Constitutions,* I, 821.

[95] *Proceedings of the Conventions of the Province of Maryland, 1774 1775, 1776,* p. 350.

[96] *Ibid.,* 316.

above the value of one thousands pounds current money.[97] The governor of the state must have real or personal property above the value of five thousand pounds current money, one thousand pounds of which must be in the nature of a freehold estate.[98] Delegates sent to Congress must possess the same of one thousand pounds current money.[99] Jurors summoned to the courts were to be freemen and have a freehold of fifty acres or other values in the state above three hundred pounds current money.[100]

Article 5 of the Declaration of Rights declared that every man of property and having a common interest with, and an attachment to, the cummunity ought to have the right of suffrage in matters pertaining to elections to the legislature.[101] This Declaration of Rights had been drawn up by delegates who had themselves been chosen by freemen, that is by those holding not less than a fifty-acre estate or have visible property in the colony of the value of forty pounds sterling.[102] The Convention which fixed the form of government reduced the personal property requirement to thirty pounds current money for all those voting for members of the House of Delegates. Public opinion in Anne Arundel County thought the requirements were too high. At once eight hundred eighty-five freemen from there instructed their representatives in the convention to oppose freemen having to meet such de-

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[97] *Ibid.*, 353. One thousand pounds currency was equal to $2,666.66⅔. Cf. B. C. Steiner, "Electoral College for the Senate of Maryland," *American Historical Association Reports for Year 1895*, p. 131, Footnote ‡2.

[98] *Proceedings of the Conventions of the Province of Maryland, 1774 1775, 1776*, p. 356. The governor was granted but comparatively little authority. He was rather the social "than the governmental head" of the state. H. E. Bucholz, *Governors of Maryland from the Revolution to the Year 1908* (Baltimore, 1908), p. 10.

[99] *Proceedings of the Conventions of the Province of Maryland, 1774 1775, 1776*, p. 355.

[100] Wm. Kilty, *Laws of Maryland*, I, October, 1777, Chap. XVI.

[101] *Proceedings of the Conventions of the Province of Maryland*, pp. 311-312.

[102] *Ibid.*, p. 184.

mands, as it would shut out one half of them from exercising the franchise.[103] Their representatives, among whom were Charles Carroll, barrister, and Samuel Chase, resented being restricted in this way by their constituents. Both resigned, but Chase was later returned to the convention.

A lack of insight into problems of government is seen in the instruction these eight hundred eighty-five freemen sent to their representatives. Among other requests was one that voting in the convention be done orally. A recent investigator rightly observes that the *viva voce* method which was later adopted was an aid to the well-to-do.[104] By November, when an attempt was made to reduce the thirty pound current money to five pounds as a requirement for voting for members of the House of Delegates, Charles Carroll of Carrollton and William Paca had become members of the legislature. Both voted with Chase against the reduction, which was lost.[105]

Too many of those who were able to meet the voting and office holding qualifications imposed by the constitution showed marked indifference to the needs of their constituents. This was not peculiar to public leadership in Maryland. Lack of interest on the part of delegates to the second Continental Congress in the work of that body is too well known to require comment. Virginia had similar troubles, even at a time when vital issues were stirring the legislature.[106] While the war was still at its height,

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[103] *Maryland Gazette*, August 22, 1776.

[104] Philip Crowl, *Maryland During and After the Revolution* (New Haven, 1943), p. 33.

[105] *Proceedings of the Conventions of the Province of Maryland*, pp. 329-330.

[106] For instance in the Virginia Legislature of 1782 both Thomas Jefferson and Patrick Henry were several times ordered to be taken into the custody of the sergeant at arms because of absenteeism. A. J. Beveridge, *Life of John Marshall* (New York, 1916), I, 203. North Carolina had troubles along the same line, and leading men of the state were reluctant to enter public service. Allan Nevins, *The American States During and After the Revolution*, p. 386. John Marshall was a delegate to the Virginia Legislature

men chosen to public service in Maryland were showing little interest in state affairs. At least seven members of the Maryland House of Delegates resigned their seats in March and April of 1778.[107] Private business and illness are the chief reasons given for nonattendance, with the former predominating. The clerk of the House sent out requests to certain delegates to attend, as they were needed to transact the business of the House.[108] A delegate from Leonardtown replied that he would do so as soon as it was convenient. Other affairs were just then commanding his attention.[109] Robert Wright informed the Speaker of the House of Delegates that he was resigning his seat as his business was being ruined in his absence.[110] John Cadwalader from Kent County asked the Speaker to void his election since private affairs would not permit him to serve.[111] It was hard even to get men who were willing to act in the Governor's Council.[112] Matters finally reached such a pass that an attempt was made to compel attendance of members of the General Assembly.[113] On September 9, 1777, the General Assembly adjourned because no member from the Eastern Shore was present. There were at the time only one senator and eight members of the House

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in 1784 when the contest was on over the question of a general assessment for religion, and regarding the incorporation of the Episcopal Church in Virginia. He voted only twice. A. J. Beveridge, *Life of John Marshall* (Boston and New York, 1916), I, 222.

[107] *MS Collections, Portfolio No. 4, M. H. S., No. 61* (a-z) (Hall of Records, Annapolis).

[108] G. Duvall, Clerk of the House of (Md.) Delegates to Jac. Bond, Aquila Hall, and Wm. Smithson, Annapolis, March 10, 1778. *MS Collction, Portfolio ♯ 4, M. H. S., No. 61* (k) (Hall of Records, Annapolis).

[109] Richard Barnes to the Speaker of the House, Leonardtown, March 2, 1778. *Ibid.*, (f).

[110] Letter to Speaker of the House, Guilford, Feb. 28, 1778. *Ibid.*, (a).

[111] Letter to Speaker of the House, March 1, 1778. *Ibid.*, (b).

[112] *Votes and Proceedings of the Senate of the State of Maryland*, October to December Session (1777), pp. 7, 8.

[113] *Ibid.*, pp. 7, 10.

of Delegates.[114] Further lack of interest in matters of local concern can be seen from the fact that the volumes of the *Maryland Journal and the Baltimore Advertiser*, from July, 1776 to December, 1778, make few comments if any on matters pertaining to the new state government. They contain a series of articles on "The American Crisis," by the author of *Common Sense*; but even Tom Paine's work was published without a word of comment. The Declaration of Rights of the Maryland Convention of 1776 was printed in Dunlap's paper, but no criticism, favorable or otherwise, was forthcoming.[115] Maryland was apparently showing little interest in state politics.

The same general apathy is seen regarding the church. A bill brought in to enable the Anglican ministers to teach and preach the gospel failed to pass in August, 1779.[116] In March, 1779, as we have seen, the General Assembly passed the act for the establishment of select vestries. Neither the passage of this act nor the failure of the former to pass, aroused any comment in the issues of the *Maryland Gazette* which immediately followed.[117] Copies of this paper from September 17, 1779, to August 11, 1780, are filled with articles by "Honest Politician," "Publicola," "A Senator," "A Republican," "Independent Whig," and others. Enough importance attached to their productions to give them precedence over front-page news, but they deal only with political matters affecting the measures necessary to win the war, confiscation problems regarding English goods, the property of Loyalists and so on. They

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114 *Dunlap's Maryland Gazette or Baltimore General Advertiser*, September 16, 1777.

115 *Ibid.*, November 19, 1776, and following issues.

116 *Votes and Proceedings of the Senate of Maryland, July 15 to August 15, 1779* (Rare Book Room, Library of Congress), pp. 69, 70, 76.

117 Cf. *Maryland Gazette*, May 7, 1779, and following issues.

are silent on any matter whatever regarding the church.[118] In 1778 Governor Johnson addressed twenty-six letters to the Assembly touching the question of internal affairs. Not one of them mentioned any matter pertaining to religion. Maryland was at this period interested primarily in problems concerning the war. Matters of church had to wait the conclusion of this struggle.

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[118] After August, 1780, foreign and state news came in again in the issues of the *Maryland Gazette*.

CHAPTER VII

THE MOVEMENT FOR STATE SUPPORT OF RELIGION

During the last years of the American Revolution the Anglican church in the United States came to be called the Protestant Episcopal church; and at its first convention on November 9, 1780, this title was officially adopted.[1] Everywhere the new church faced a precarious future.

It must be remembered that before the Declaration of Independence was adopted, July 4th, 1776, that four of the leading Church of England ministers in Maryland had already abondoned their parishes as unsafe places in which to live. They went to England and were shortly followed by four others, due to the oath required of ministers at the founding of the new state government. Five curates followed their example and also went to England, while six others left the new state and went to Virginia. Several abandoned the ministry, at least for the time being and either repaired to their estates or devoted themselves to teaching.[2]

After disestablishment in 1776 Maryland Anglicans had to rely for church maintenance entirely on their own devices. Voluntary contributions were the only support of their clergy. By November, 1780, there were listed

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[1] "Protestant Episcopal Church Conventions, A. D. 1780, 1781, 1782, 1783," *Journal of Conventions in Maryland*, 1780-1818 (Maryland Historical Society, Baltimore), p. 9.

[2] *Ibid.*

forty-seven parishes and only twenty-seven active ministers,[3] and the struggle for existence occupied the time and energies of most of them. It was reported that some in the state were literally starving on "paper salaries."[4] Their plight was made worse by the general opinion that during the war they had opposed the new Maryland government.[5] Whether this be true or not, it is certain that the clergy refrained from seeking legislative relief until near the end of the war.

When the legislature, for the first time after disestablishment, again took up matters concerning religion, it did so entirely upon its own initiative. The act for the establishment of select vestries, for instance, was passed in March 1779 without any clerical pressure. Not a single application or petition respecting this measure was presented from any source.[6] Though the act was friendly toward the church, and was supplemented by an act of November of the same year, it failed to quiet the fears of the clergy over the influence of the revolutionary struggle on the churches's favored position. Neither of these Acts made any provision for support of ministers except what might be voluntarily subscribed. Glebes, places of worship, and other church property, were given the vestries in fee simple.[7] The lack of a legal provision for support of ministers prompted a desire for a convention to study the problem.

Noting perhaps the general interest of the legisla-

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[3] *Ibid.* 4-6.

[4] Candour: "To the Public," *Maryland Journal and Baltimore Advertiser,* July 15, 1783.

[5] Vindex," *Animadversions on the Petition,* p. 7. For further information of this work, cf. below p. 174.

[6] "Vindex," *Animadversions On the Petition,* p. 24.

[7] "Protestant Episcopal Church Conventions, A. D. 1780, 1781, 1782, 1783," *Journal of Conventions in Maryland,* 1780-1818 (Maryland Historical Society, Baltimore), Introduction.

ture in ecclesiastical affairs, some vestrymen met in 1780 and drew up a petition which they sent to various parishes in the state. This was done in an endeavor to secure advance approval of its content. The petition was intended as an appeal to the legislature for the support of public religion by an "equal Assessment and Tax," and to secure permission for the vestries and church wardens to sell pews to obtain money needed for repairs of the church edifices. The plan must have received the approval of the various parishes, for a petition dealing with these matters was submitted to the legislature in 1782. The petitioners found the atmosphere not encouraging; and they decided to request the Assembly to withhold discussion until a more favorable time.[8] Thus this first attempt after the Revolution to secure legislative support for religion in Maryland quietly ended in failure.

The reluctance of the vestries to push their attempt to secure financial support from the state, and the fact that the legislature had already embarked, without clerical initiative, on the policy of legislating for the church, may have induced the Assembly to go all the way. In 1783, they had before them a bill to reorganize the disestablished church and to provide for appointing proper authorities to ordain ministers. This attempt to direct ecclesiastical affairs met with immediate opposition from the clergy. The Reverend Samuel Keene, an Episcopalian minister, appeared before the legislature and succeeded in bringing about defeat of the bill. His efforts, according to a church historian, saved the Episcopal church to the new state; for a fundamental tenet of the Anglican church and of the Protestant Episcopal church,

[8] *Ibid.*, p. 11; and pp. 3-6 in the First Section of the Bound Volumes of *Maryland Diocesan Journals*, I, 1783-1814. Also Gambrall, *Church Life in Colonial Maryland*, pp. 280-282.

is that episcopal ordination is necessary to the perpetuity of the organization.[9]

Keene's success in squelching the bill was very heartening to the clergy. Prospects for better financial support were also brighter. In 1782 William Paca became governor of the state. He was one of Maryland's most distinguished sons. Educated in the college at Philadelphia, and in the Middle Temple, London,[10] he distinguished himself as a leader in the movement for independence. As a vestryman, he had been active in the Establishment and had cast his vote in the constituent Assembly of 1776 in favor of tax-supported churches. On May 5, 1783, in an address to the Assembly he expressed deep concern over the condition of religion and learning in the state. His religious ideas for that time were singularly free from prejudice, and his solicitude for suffering ministers of all denominations indicates an absence of sectarian animus. The state constitution, he pointed out, recognized the principal of public support of all ministers of the gospel, and indicated the mode of procedure to be followed in alleviating their distress. He asked the legislature to provide for their needs.[11]

A copy of this address fell into the hands of a number of the Episcopal clergymen who were present at the first commencement exercises of Washington College on May 13. They decided to call a convention of the clergy to consider necessary alterations in their church liturgy and organization, and to provide for a succession in their ministry which would make the new Protestant Episcopal church an "Object of Public Notice and Support in

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[9] Cf. Hawks, *Contributions to Ecclesiastical History*, II, 295. Cf. also, Gambrall, *Church Life in Colonial Maryland*, p. 286 ff.

[10] Nevins, *American States During and After the Revolution* (New York, 1924), p. 312.

[11] *Maryland Diocesan Journal*, 1783-1814, I, First Section, p. 6. Cf. also, Hawks, *Contributions to Ecclesiastical History*, II, 291.

common with other Christian churches under the Revolution." The clergy held that they must secure legislative support in any changes they made since all favors to the disestablished church, either set forth in the constitution or contained in legislation enacted subsequent to its adoption in 1776, had been extended in the name of the Church of England.[12] Out of their anxious deliberations came a Petition to the legislature requesting permission to draft a bill for the Assembly embodying the necessary changes. The plans for clerical succession they felt called for the proper education of young men who were looking forward to entering holy orders.[13]

The Petition signed by the Reverend Dr. William Smith and Thomas Gates, two leading Episcopal clergymen, was presented to the General Assembly in the summer of 1783. The resentment which this action aroused, although at first more pronounced outside the legislature than within, continued with more or less intensity until late in the year 1786. But the legislators did not wait for any repercussions. They acted promptly and there is evidence that they realized some of the implications of the request. Although their Journals make no reference to the nature of the matter contained in the Petition, nor were any of the discussions on it made a matter of record, it was hurriedly passed upon and the clergy were given permission to draft a bill, in keeping with their desires, for later consideration by the legislature.[14]

The leader in the opposition to the policy of appealing to the legislature was Dr. Patrick Allison, a Presby-

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[12] *Maryland Diocesan Journal,* 1783-1814, I, First Section, pp. 6,7; Second Section, p. 3. Hawks, *Contributions to Ecclesiastical History,* II, 292.

[13] *Maryland Diocesan Journal,* I, First Section, pp. 7, 8. Cf. also, quotation from *Maryland Gazette,* September 19, 1783, as given by "Vindex," *Animadversions On the Petition,* p. 17.

[14] *Ibid.,* p. 28, Footnote.

terian minister, but his heaviest blows were struck after the Petition had received a favorable reception. Writing under the psuedonym, "Vindex," Dr. Allison took the position that religious liberty was an "inherent right" and that appeals to the legislature in Ecclesiastical matters were both unnecessary and objectionable[15] in the light of the great principle of religious freedom. He was soon followed by another writer signing himself E———, who wrote in a similar strain.[16]

In the course of his opposition "Vindex" published several articles which later were compiled as "Animadversions on the Petition Presented to the General Assembly by the Rev. Dr. William Smith and Reverend Thomas Gates."[17] He argued that the Maryland constitution of 1776 "proclaimed unequivocal and universal equality" for all Christian sects.[18] While it is doubtful whether such an interpretation can properly be applied to the wording of the constitution, and it certainly was not the thought of those who wrote it, nevertheless, "Vindex," in his articles, laid down some excellent reasons for the complete separation of church and state. In all his arguments, however, he nowhere advocated liberty for any but Christian sects; and he specifically pointed out that the matter of supporting religion through state taxation was in no way involved in his discussions. His intention was to show that, in an appeal to the legislature, the Protestant Episcopal church was tending in the direction of an establishment, and should be checked.[19]

When the legislature returned a favorable report on the Petition submitted by Smith and Gates, the Clergy

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[15] *Maryland Gazette or the Baltimore General Advertiser,* September 12, 1783.

[16] *Ibid.,* October 10, 1783.

[17] It was printed in Baltimore, 1793. Copy in Rare Book Room, Library of Congress.

[18] *Animadversions On the Petition,* pp. 3, 4.

[19] *Ibid.,* Introduction.

of the Protestant Episcopal church assembled in a convention in August 1783. In this convention a committee was appointed to draft an Act, or Charter of Incorporation, to enable the Episcopal church to hold property. This property was to be used as a fund to provide for widows and children of Episcopal clergymen, and for educating promising young men who might be needed to keep up the supply of ministers for the church. This convention also drew up a "Declaration of the Rights and Liberties of the Protestant Episcopal Church," which was sent, together with an Address, to Governor Paca. The Address thanked the governor for his interest in the suffering clergymen of all denominations, and implored him to continue his "powerful intercessions" until some law was passed, agreeable to the state constitution, for their support and encouragement.

Paca replied on August 20 assuring the convention of his interest in the clergy of all denominations. He hoped to be instrumental in relieving their sufferings and in "placing every Branch of the Christian church in this state upon the most equal and respectable footing." He also expressed a desire to aid the Protestant Episcopal church and recognized that in the field of its spiritual rights every church was an adequate judge.[20]

At the next state-wide convention of the Protestant Episcopal church held in June 1784, laymen as well as clergymen were delegates. In the meantime the committee appointed at the previous August convention had been at work. Now the actions of that convention came up for review, and both clergy and laity agreed that the appeal to the legislature should be made. The result of the appeal was all that could be expected. An Act was passed incorporating the clergy of the Protestant Episcopal church as a society for the relief of widows and

[20] "An Address to the Members of the Protestant Episcopal Church," found in *Maryland Diocesan Journal,* I, First Section, pp. 12-13.

children of Episcopal ministers. The Society was empowered to hold property to the yearly value of $15,000 to be used for humanitarian as well as educational purposes, all in the interest of the church.[21]

After the recognition of American independence in 1783, the Protestant Episcopal clergy conducted the affairs of their church with great discretion. Their appeal to the legislature was broadly based on rights which the state constitution guaranteed to all Christian sects. They had asked for no special privileges. Since they were the first, however, to appeal to the legislature, their activity aroused in the public mind a feeling that they were seeking a new legal basis for an establishment. This idea raised resentment, which was increased when the legislature made it possible for the church to become custodian of a fund which could be used to educate young men for holy orders. Other circumstances also played into the hand of those who opposed Episcopalian policies.

In 1782 the Maryland legislature had passed an Act founding a college on the eastern shore at Chestertown,[22] but during the war the project received little attention. In 1784 plans were formulated for a college on the western shore; and the legislature designated six men to whom gifts for the new institution were to be sent. Three so chosen were John Carroll, a Roman Catholic, Patrick Allison, and John Steret, Presbyterians.[23] But in the heat of the public discussion that followed, this fact was glossed over by opponents of the recent move of the Episcopal church. It was widely felt that the Prot-

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21 *Ibid.*, p. 16. Hawks, *Contributions to Ecclesiastical History*, II, 299, 300.

22 Allan Nevins, *The American States During and After the Revolution*, p. 314.

23 Cf. *Maryland Gazette*, issues of December 16, 1784 and September 29, 1785, Footnote on p. 2. Also *Maryland Historical Magazine*, IV, 229, 230.

estant Episcopal church was seeking public support for its ministers, and, at the same time, having been incorporated as a society to hold funds for education, was trying to assume leadership in the intellectual field. The contest that arose was conducted quite largely outside legislative halls, but interest was focused on the bills before the legislature.

The Maryland General Assembly of November 1784 had before it for discussion some of the most important bills, from a religious viewpoint, that had come up since the Anglican Church had been disestablished. Three of these were the College Bill, the Clergy Bill, and the bill to relieve non-jurors of certain previously imposed penalties. Only men with a decided religious bias would place the first two in the same class as leading toward an establishment of a religion. But many in Maryland were still sensitive on this subject, remembering as they did the Established Church in its pre-revolutionary status. The legislators, however, had more clearly defined ideas. They refused to regard the College Bill as an indication of a trend toward the union of church and state. As a result of their firm stand, an educational institution was established as St. John's College. Later it combined with Washington College at Chestertown to form the nucleus of the University of Maryland. But before its passage, the College Bill had to run the gauntlet of public opinion expressed in the leading publications of the day.

We have already seen how "Meanwell" in an article in the *Maryland Gazette* of June 19, 1777 strongly advocated the support of the clergy through taxation.[24] At that time he got no response. Deeming the time of the meeting of the legislature in 1784 more propitious, he had his former article reprinted in the issue of the *Maryland Gazette* of January 6, 1784. He had evidently

[24] Chapter VI, p. 160.

judged correctly, for two days later the House of Delegates resolved that it was proper for the General Assembly to lay a tax for the support of all Christian societies in the state, with preference for none. This was known as the Clergy Bill. All men over sixteen years of age and all females and slaves were considered taxable. Free persons, single, and having no fixed home, were to pay the tax or suffer imprisonment.[25] Jews and non-church members received no benefits but were to pay the tax. "A Byestander" came out at once with an article partially supporting the Act, largely because it applied to all Christians alike.[26]

The temper of the House of Delegates can be seen in an address to the people sent by Thomas Cockey Deye, Speaker. "Government," he said, "can have no confidence in that man who is under no religious ties, and who believes neither in Heaven nor Hell, or in other words, a future state of rewards and punishments." It is significant that the Speaker stated in his address that opposition to both College and Clergy Bills was limited to Baltimore. This place, it will be remembered, was a center of a rising spirit of democracy, usually found favoring freedom in religion.[27] The Speaker called upon all citizens to instruct delegates of their desires concerning these bills before the legislature. The response was not what Speaker Deye had expected, for most of the comments on the questions at issue struck an advanced note for religious liberty. The *Maryland Gazette or Baltimore Advertiser* carried on a vigorous fight against both the bill to support religion through taxes and the legislation for the founding of colleges in the State. "Philo," in an article "To Friends of Liberty and Religion of Every Denomination," character-

[25] *Maryland Gazette,* January 20, 1785. The Act is given in full in this issue.

[26] *Ibid.*

[27] Cf. Barker, *Background of the Revolution in Maryland,* p. 20. C. H. Lincoln, *Revolutionary Movements in Pennsylvania,* p. 75.

ized such bills as the "camel's nose" under the tent, and expressed a fear that it was a move back to an establishment which had produced many unworthy clergymen. Under such laws he felt, the strongest would have his day of vengeance.[28] A Petition to the Maryland Assembly declared that establishing colleges by the legislature and taxing for the support of religion was "taxation without representation."[29] "A Planter" opposed the bill largely on economic grounds.[30] "Philo" returned a week later, using as illustrations the status of the Christian church during the first century, and the situation current in Pennsylvania, Rhode Island, and New Jersey, where no state support for religion was deemed necessary.[31] A few days later "Maryland" in an article, "The Voice of Maryland to Her Contending Children," opposed the tax bill for ministers as "binding the hands of freedom and robbing it of virtue."[32] In this same issue "Citizen" addressed "The Citizen of Maryland," opposing the foundation of colleges by the legislature as a type of religious establishment "compelling men to be religious by the sword." This, he said, was contrary to the gospel.[33] "Planter" again addressed an article to his fellow-citizens in opposition to the clergy bill, and expressed a desire to pay his own minister.[34] "Philo" one week later concluded his argument against the bill to tax for the support of ministers, designating it as a "dangerous precedent," an evident reference to the new order following the Revolution.[35]

These articles apparently aroused statewide interest. Just two weeks after "Philo's" last article, a petition was sent

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28 *Maryland Gazette or Baltimore General Advertiser,* January 28, 1785.
29 *Ibid.,* March 25, 1785.
30 *Ibid.,* February 11, 1785.
31 *Ibid.,* February 18, 1785.
32 *Ibid.,* March 4, 1785.
33 *Ibid.*
34 *Ibid.*
35 *Ibid.,* March 11, 1785.

to the Assembly expressing opposition to both the bill to support ministers by taxation and that establishing colleges.[36] Petitioners from the Eastern shore followed the next month; but they were too late to injure the cause of education. They could only protest against the appropriation for the establishment of a college and denounce the legislature for what they were pleased to call its "black" record.[37] Two months later a writer signing himself "Baltimore" addressed the People of Baltimore, attacking the law establishing the colleges and informing the public that the bill providing for the support of ministers by taxation had failed to pass.[38] The appeal to the legislature according to "Vindex," had not received the full support of Episcopalians. After a careful estimate he believed that the denomination represented less than one third of the inhabitants in the state.[39] Furthermore, much of the opposition to the clergy bill came from other Protestant groups, at that time on the increase in the state.

No picture of the struggle over ecclesiastical matters in Maryland during the sitting of the memorable Assembly of 1784-1785 is complete without some insight into the increase of sectarian forces. The Methodists, who for years had maintained their connection with the Anglican church, were on the increase and were gradually growing away from their allegiance to the mother church. In 1773 they had numbered only five hundred in the province,[40] but a year later the Baltimore conference reported 1,063.[41]

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[36] *Ibid.*, March 25, 1785.

[37] *Ibid.*, April 29, 1785. Designating the legislative session, beginning on November 1, 1784, and continuing until early in 1785, as "black" is hardly true to fact. Much wise and progressive legislation was passed. Allan Nevins, *The American States During and After the Revolution*, p. 314.

[38] *Maryland Gazette or Baltimore General Advertiser*, June 10, 1785.

[39] *Animadversions on the Petition*, p. 35.

[40] Jesse Lee, *A Short History of Methodists in the United States of America* (Baltimore 1810), p. 49. Cf. Abel Stevens, *History of the Methodist Episcopal Church in the United States of America* (New York, 1864), I, 222

[41] *Ibid.*, p. 229.

This was but the beginning. Before the conference of 1775 convened this number had been increased by one third.[42] Toward the close of the war their growth was phenomenal. In one year, 1780-1781, their membership increased by 2,000, and the area of the greatest revival was on the Eastern shore.[43] Asbury referred in his journal in 1781 to this movement. "It appears," he wrote, "as if the whole peninsula would be Christainized."[44] Freeborn Garrettson recorded his experience in the district during 1778. He spoke sometimes four times a day to listening multitudes "bathed in tears."[45] The interest in the Methodist's gospel continued strong until 1785, when they gained seven new circuits, their greatest success still being on the Eastern shore.[46] In this year they established at Abingdon, Maryland, their first college. In 1788 they reported a membership gain of 2475 and at the end of the century there were 12,046 adherents in the state. Only Virginia contained a larger number of Methodists.[47]

Although the Baptists had increased their total membership from "less than ten thousand at the period of the Revolution to over a hundred thousand at the close of the century,"[48] their fields of expansion were largely outside of the state of Maryland. The Baltimore Association of Baptist churches contained in 1792 only six churches. It included also those in the District of Columbia. Altogether

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[42] *Ibid.*, pp. 244, 245.

[43] Jesse Lee, *A Short History of Methodists in the United States of America*, pp. 75-77.

[44] Ezra S. Tipple, *The Heart of Asbury's Journal* (New York, 1904), p. 199.

[45] Nathan Bangs, *The Life of the Reverend Freeborn Garrettson*, pp. 66, 69.

[46] *Ibid.*, p. 244.

[47] Jesse Lee, *A Short History of the Methodists in the United States of America*, pp. 136, 263.

[48] O. W. Elsbree, *The Rise of the Missionary Spirit in America, 1790-1815* (Williamsport, Pa., 1928), p. 35.

in the association there were but three ministers and 253 church members.[49] As late as 1795 they reported only 628 adherents in the state.[50] The Baptist influence which strongly opposed the union of church and state and was powerful in Virginia, was almost negligible in Maryland during the controversial years from 1783 to 1786.

The Presbyterians in Maryland made their influence effective largely through the activities of one of their ministers, Dr. Patrick Allison.[51] But even he did not assume leadership in the move to deny to the legislature the right to lay a public tax for religion. He did, however, come out openly in opposition to the establishment of colleges through state aid, although he was one of those designated to receive gifts and donations for the one established on the Western shore.[52] He was fearful that any college so established would be under the direction of Episcopal governors, and have an Episcopal teacher at its head.[53]

There is no evidence that the Episcopal clergy shared this belief, or that they fought strongly as a body for the ideal of tax-supported colleges, or for a law imposing a tax for the support of religion in general. There is, perhaps, little doubt that they were at heart in favor of the idea, but true to the Anglican tradition they deferred to the legislature in such matters. Dr. William Smith was the chief opponent of Dr. Allison. In 1783 he wrote in the *Maryland Gazette or Baltimore Advertiser*, in support of his petition before the legislature. A year later, however, when he preached a sermon before the Epis-

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[49] David Benedict, *A General History of the Baptist Denomination in America* (Boston, 1813), II, 19.

[50] John Asplund, *The Universal Annual Register of the Baptist Denomination* (Hanover, 1796), p. 82.

[51] Above pp. 173, 174.

[52] *Maryland Gazette*, December 16, 1784.

[53] "Vindex," *Animadversions On the Petition*, p. 36.

copal convention, which he dedicated to Governor Paca, he stressed only the fundamentals of Christian living and emphasized a broad charity toward all sects. He never once mentioned the matter of a tax supported religion.[54] In *The Memoirs of the Protestant Episcopal Church*, by Dr. White, a prominent leader in building up the church after the Revolution, there is no reference to the controversy raging in Maryland from 1783 to 1786. Even Dr. Allison in his fight against the petition of Smith and Gates laid the blame more on the legislature than on the church.[55] It is well to note that a writer at this time definitely stated that the Episcopalians of Maryland looked upon Samuel Chase as their head and in him they placed their confidence.[56] This was in line with the Anglican policy of placing in legislative halls laymen who were loyal to the church's interests. But the increasing number of non-Anglicans in the state, although they were disorganized and poorly led, had a strong influence in the campaign for greater freedom in the field of religion. Schoepf in his *Travels in the Confederation in 1783-1784*, found many preachers and congregations in various denominations who held themselves "bound in conscience neither to receive nor to give reward for the preaching or dispensing the gospel" in any way.[57]

The Protestant Episcopal church had attempted to secure the approval of all other denominations in the state for such a law, but none responded in official support, and the movement failed.[58] When Dr. Allison as "Vindex" car-

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54 "An Address to the Members of the Protestant Episcopal Church in Maryland," found in *The Maryland Diocesan Journal*. I, First Section, pp. 21-35.

55 "Vindex," *Animadversions On the Petition*, p. 24.

56 "Timothy Homespun," *The Maryland Journal and Baltimore Advertiser*, September 15, 1786. The word "General" had been left out after the issue of January 10, 1786.

57 Volume I, p. 338.

58 Hawks, *Contributions to Ecclesiastical History*, II, 322, 324.

ried his fight to the public against the appeal to the legislature in any ecclesiastical matters, he found in the state (besides Episcopalians and Roman Catholics) Presbyterians, Baptists, Methodists, Quakers, German Calvinists, Lutherans, Moravians, Dunkers, Mennonites, Nicolites, and Swedenburgers.[59] The majority of these were unimportant numerically speaking, but grouped together they could have been formidable. There is no evidence that "Vindex" was the recognized mouthpiece of any sect other than his own. But there was sufficient evidence of sectarian activity to put the Protestant Episcopal Church both on the alert and on the defense. On October 26, 1786, the third annual convention held at Annapolis resolved that Doctors Smith and Claggett, William Paca, Samuel Chase, and John Weems, give attention to a petition expected to be presented to the Assembly. This petition, it was feared, would ask that the different religious societies and congregations be formed into corporate bodies. These men were requested to see that no encroachment was made on the rights of Episcopal vestries, and to secure additional advantages to the Episcopal society.[60] As anticipated, the petition was presented to the legislature but there were so many voices raised against it that it failed to win recognition.

The other question of a semi-religious nature which came before the legislature of 1784-85 terminated happily for the cause of liberty. While the contest was on over state support for religion, and that regarding the founding of colleges by the legislature, the matter of non-jurors was troubling Maryland lawmakers.

The question of non-jurors dates back to the war. It originated over the presence of many Tories in the state and the matter was brought to a head in October, 1777

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59 "Vindex," *Animadversions on the Petition,* p. 20.

60 "Notices and Journals and Remains of Journals of the Protestant Episcopal Church in Maryland in the years 1783, 1784, 1785, 1786, 1787, 1788" (No publishers given). Found in *Maryland Diocesan Journal,* I, Second Section, pp. 20-21.

when an act for the "Better Security of Government" was passed. By this every male person above the age of eighteen was compelled to take an oath of fidelity to the state and indicate his willingness to defend it. Those who refused to subscribe to the oath were required to pay a treble tax. Quakers, Mennonites, and Dunkers, were allowed to declare or affirm.[61] The drastic nature of some of the provisions, and the scruples of some sects opposed to war, made it so objectionable a measure that many refused the oath. Almost one-third of the people of Maryland became non-jurors.[62] Among the number were many Methodist ministers who because of their refusal were persecuted and prevented from preaching. The law prohibited all treble tax payers from practicing medicine, trading in merchandise, preaching or teaching the gospel, or teaching in schools either public or private. Neither could such hold any office of trust or profit in the state, or sue in any court to recover for any debt or damage.[63]

Previous to the October legislature of 1777, several attempts had been made to pass a test act, as it was called, but each time it failed through senate disapproval. In July, 1777, a writer in the *Maryland Journal and Baltimore Advertiser* favored such a bill[64] and the October Act, as finally passed, was an amplification of, and much more drastic than, the Act to Prevent the Growth of Toryism of February, 1777. The legislation, however, failed of public support, and by 1781 the requirements were so altered that non-jurors were allowed to practice medicine, engage in merchandising, and were also given back

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61 Kilty, *Laws of Maryland,* I, Chapter XX, Sections II, X, and XIII.

62 Allan Nevins, *The American States During and After the Revolution,* p. 310.

63 The Act can be found in Kilty, *Laws of Maryland,* October, 1777 (Annapolis, 1799), I, Chapter XX, Section XVII; and in *Maryland Journal and Baltimore Advertiser,* January 13, 1778.

64 "Rationallis," "To the People of Maryland," *Ibid.,* July 22, 1777.

their rights to sue in courts. Quakers, Mennonites, and Dunkers were soon allowed to preach without making an affirmation. In November, 1782, the treble tax burden was removed from the law and Methodist ministers were relieved from taking the oath.[65] After this, non-jurors were still prohibited from holding any office of public trust or profit. To remove this last restriction Samuel Chase sponsored a bill which he succeeded in getting passed. He was, however, actuated more from economic than religious motives. Resentment against the legislation which disqualified such a large proportion of Maryland's population finally took the form of a concerted migration to the West in order to escape its provisions.[66]

All Protestant sects in Maryland apart from the Episcopalians had no ambitions for dominant leadership. The failure of the latter to achieve their goal of a tax supported religion, and the removal from non-jurors of all religious and civil disabilities secured to all Christian minority sects the freedom they had long sought.

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[65] Kilty, *Laws of Maryland,* I, Chapter XIII, Sections II and III.

[6] Allan Nevins, *The American States During and After the Revolution,* p. 317.

CHAPTER VIII

RELIGION IN THE NEW NATIONAL ERA

The progress made in Maryland during the Revolutionary era in liberating religious societies from governmental control was not primarily an achievement of religious forces. The newly reorganized Protestant Episcopal Church recognized the rights of all denominational societies in the state, only at the conclusion of the war. The opposition to a state-supported religion was fostered by the people of Baltimore, a commercial center of democratic leanings. The mechanics of the city went on record that they had never considered a man's religion as a reason for, or an obstacle to, his promotion;[1] and this center was early permeated by the spirit which produced the American Revolution. This spirit continued to operate in Maryland, as in the new states as a whole, until every vestige of a connection between church and state finally disappeared. The American Revolution, as a factor in furthering religious liberty, can be better understood in a brief glance at the nature of the movement as it pertained to liberty in Maryland, in particular, and as it influenced the newly formed Federal Union. Progress toward democracy and liberty in the field of church developments must be viewed in the light of the political upheaval which severed connections with the mother country.

"All men are by the Law of Nature equal," were the words of a Maryland writer in 1772 signing himself "Regulator." He defined the aim of a group in the colony

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1 "Baltimoreiensis": "To the Inhabitants of Baltimoretown," *Maryland Journal and Baltimore Advertiser,* September 1, 1786.

known as "Levellers" as a move to restore the "Natural rights of man." It is significant that this writer was hostile to the clergy; and his attitude is indicative of a more democratic spirit rising in Maryland.[2] The Assembly was no longer looked upon as a sufficient mirror of public opinion, and a desire was expressed of its receiving instruction direct from the people who were coming to look upon government officers as their servants.[3] The people were now more frequently referred to as an entity quite distinct from governmental bodies.[4] They were the ladder which patriots could use to climb to distinction.[5] Such sentiments were beginning to be expressed more frequently by a few thinkers not primarily connected with the machinery of government.[6] The movements tending in a democratic direction, in short, were under way before hostilities broke out with the mother country. It should always be kept in mind that the convention which removed the restrictions previously imposed on Maryland delegates to the Continental Congress and gave them freedom to act unhampered with their colleagues, was a democratic body as then understood. The members had been chosen by patriots from the various counties who had met in an atmosphere of protest against the actions of the British government.[7] The liberty it granted Maryland's delegates respecting the matter of independence, indicates that a spirit of democracy, combined with that of resistance to Great Britain, brought about the final separation from the mother country.

Apparently Governor Sharpe saw, neither in the demo-

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[2] *Maryland Gazette,* September 17, 1772.

[3] "Voice from an Elector," *Maryland Gazette,* November 4, 1773.

[4] The distinction between the Assembly and "the people" was very evident in Pennsylvania even before this time. Andrews, *The Colonial Period,* III, 321.

[5] "Lexiphanes," *Maryland Gazette,* July 22, 1773.

[6] Cf. also article by "An Elector" in *Maryland Gazette,* November 4, 1773.

[7] Steiner, *Life and Administration of Sir Robert Eden,* pp. 84, 91.

cratic demands of the vestries of the Established Church in Maryland for more voice in selecting their ministers, nor the early stirring of the spirit of independence in the colony, anything to be greatly feared.[8] But these little clouds, which to him appeared only as about the size of a man's hand, had combined in but a few years to shower Maryland with a new birth of freedom. But the movement of democracy had need of the impact of the Revolution to overcome the traditionally conservative policy in the colony, before the full fruition of its implications could be realized.

The American Revolution was primarily a struggle for human rights. Taxation without representation, British tyranny, and fears of foreign influence in the religious field, were all used to foster unity in the colonies and arouse a hostile attitude toward the mother country. But developments along these lines through skillful colonial leadership only occasioned the outbreak of hostilities. The fundamental cause for the American Revolution was much deeper. The colonists had breathed the air of freedom and were no longer content to remain subject to any foreign power. John Adams, looking back from the perspective of several decades, saw the Revolution in the minds and hearts of the colonists years before the outbreak of hostilities.[9] This viewpoint does not impugn the sincerity of those who protested their loyalty to the mother country. Neither does it preclude the thought that there were some who saw beyond the mass vision.

After the Peace of 1783 emerged two schools of thought. One held that independence was an end in itself and, once achieved, the Revolution had accomplished its work. The

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[8] See his letters to Baltimore, March 31, 1768, and to Hamersley, June 9, 1767. *Maryland Archives,* XIV, 481 and 392 respectively. Cf. also, M. P. Andrews, *Tercentenary History of Maryland* (Chicago and Baltimore, 1925), I, 501, 502.

[9] C. F. Adams, *Works of John Adams,* X, 182.

other maintained that embedded in the struggle was the germ of progress.[10] The latter had fewer adherents, but time and the new American environment fought on the side of the minority. Events following the advent of peace, as they pertain to the subsequent religious history in the new states, can perhaps best be interpreted in the light of this premise.

Any attempt to show the place of religion in Maryland after the American Revolution must begin with the acceptance of that momentous struggle as a landmark in the development of liberty, both religious and political. Without question a new era had dawned. In the "blood, sweat, and tears" of a war it is not easy to meditate on the educational values involved; but they are there. A distinguished historian has recently called attention to the American Revolution as a school of thought.[11] John Adams, an apt student of the forces engaged in the conflict, illustrated well in his own life their influence. Never, in the religious field, as biased as some of his contemporaries,[12] he nevertheless later in life tacitly admitted a one-time tendency to bigotry. This he said he had read away.[13] His wider concepts were, however, due not entirely to reading. The struggle with the mother country opened up many avenues which conspired to broaden thought.

One of the potent factors in the American Revolution from the viewpoint of education was the personal contacts

[10] "For Henry [Patrick] the Revolution reached its end in the Declaration; for Jefferson it reached its beginning." Allan Nevins, *The American States During and After the Revolution,* p. 324. These men may be looked upon as typical of the two schools of thought.

[11] E. B. Greene, "Some Educational Values of the American Revolution," *Proceedings of the American Philosophical Society* (Philadelphia, 1929), LXVIII, No. III, 185-194.

[12] "A religious bigot is the worst of men," he wrote as early as 1765. Cf. Diary entry of December 29 of that year. C. F. Adams, *Works of John Adams,* II, 169.

[13] Adams to Jefferson, July 18, 1813. *Ibid.,* X, 57.

which it brought about.[14] John Adams may be used as an example. On September 1 this New England Congregationalist wrote in his *Diary* that he had breakfasted at Mr. Mifflin's and dined at Stephen Collin's.[15] Both were prominent Quakers.[16] On Sunday, September 25, John Adams attended a Quaker meeting.[17] He recorded in his *Diary* on September 30, 1774, that he had dined with Dr. Allison and Mr. Sprout.[18] Both were Presbyterians.[19] On October 13, he dined with Messrs. Dickinson, Mifflin, Chase, and Paca.[20] The two former were Quakers, and the two latter members of the Church of England.[21] In February of 1777 he was still dining out; on the 7th with Dr. Witherspoon,[22] and on the 8th with Samuel and Robert Purviance.[23] These three men were Presbyterians.[24] On the 9th, Adams listened again to the preaching of Mr. Allison,[25] and on the 21st dined once more with Samuel Purviance.[26] On the 27th he discussed the state of affairs

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14 E. B. Greene, "Some Educational Values of the American Revolution." *Proceedings of the American Philosophical Society,* LXVIII, No. III, 189.

15 *Works,* II, 360-361.

16 Cf. G. A. Ward, *Journal of the Late Samuel Curwen* (New York, 1842), p. 27, and C. F. Adams, *Works of John Adams,* II, 361, Footnote ♯1. Because of his war attitude, Mifflin was disfellowshipped by the Friends in March, 1775, and he never rejoined them. Jenkins, "The Two Quaker Signers," *Friends Historical Association,* Bulletin, XVIII, No. 1, 23.

17 *Works,* II, 382.

18 *Ibid.,* 391.

19 *Ibid.,* 360. Cf. Sister Mary Augustina (Ray), *American Opinion of Roman Catholicism in the Eighteenth Century* (New York, 1936), p. 153, Footnote ♯ 105.

20 *Works,* II, 397.

21 *Maryland Diocesan Journal,* I, Second Section, p. 20. B. J. Lossing, *Biographical Sketches of the Signers of the Declaration of Independence* (Philadelphia, 1866), p. 150.

22 *Works,* II, 433.

23 *Ibid.*

24 For the faith of Dr. Witherspoon cf. A. T. McGill and S. M. Hopkins, *A Short History of American Presbyterianism* (Philadelphia, 1903), p. 63. For that of the two Purviances, cf. *Maryland Historical Magazine,* IV, 228-230.

25 *Works,* II, 434.

26 *Ibid.,* 435.

with Robert Purviance.[27] In September Adams attended meetings in Bethlehem among what seems to have been German Moravians.[28]

Approximately ten years later while in England as the first minister of the United States, Adams recorded in his *Diary* under date of August 5, 1787, attendance at three church services in one day. The afternoon service was Presbyterian and that of the evening, Baptist.[29] While in England he lent his support to the move in America to obtain the Episcopal succession, a fact which in retrospect he looked upon with satisfaction.[30] This is the more remarkable since New England had been a hot bed of opposition to the introduction of an American Episcopate. Adams himself recognized this opposition as a contributing cause for the American Revolution.[31] But the changed spirit had had its effect. John Adams as a student in the new school may be said to have passed his finals, when, as President of the United States, he headed a list of Protestant gentlemen in contributing to a fund for building a Catholic church in New England.[32] This was a far cry from the attitude he assumed in Philadelphia in 1774 toward complaints of some Anabaptists and Friends against religious discrimination of Massachusetts laws. Not only did Adams refuse them any encouragement; he actually defended those statutes of the Massachusetts province as the most mild and

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[27] *Ibid.*, 436.

[28] *Ibid.*, 440.

[29] *Ibid.*, III, 405.

[30] John Adams to Bishop White, October 29, 1814. Given in Wilson Bird, *Memoirs of the Life of the Right Reverend William White* (Philadelphia, 1839), p. 110. Cf. also Wm. S. Perry, *The Episcopate in America* (New York, 1895), Introduction, XXIX.

[31] Adams to Morse, December 2, 1815. *Works*, X, 185.

[32] J. G. Shea, *Life and Times of the Most Reverend John Carroll* (New York, 1888), p. 438

equitable of any religious establishment in the world.[33] Scarcely six months later while at his home in Braintree, Massachusetts, he could write with illy concealed satisfaction of "a few rascally Jacobites and Roman Catholics" who dared not "show themselves,"[34] But sixteen years after he left the presidency of the United States, John Adams wrote that our system of religious liberty must provide an asylum for Jesuits, although he still feared their influence on our politics.[35] Years before the Revolution broke, he had expressed dissatisfaction with the religion of his day,[36] and showed a mind receptive to change. That the struggle with the mother country hastened his mental processes and led to a broader concept of religious liberty, none conversant with the facts will question.

An illustration of the American Revolution in broadening religious concepts can be seen in the new status enjoyed by Maryland Catholics after 1776. During the war an attempt was made in the state to arouse distrust of any aid from Spain and France. Fears were based largely on the fact that both countries were Catholic. An article by "Cato" in the *Maryland Gazette*, addressed to the people of Pennsylvania, pointed out that Protestants and freemen would shudder at what had been done by Spain and France, and the author opposed any aid from them.[37] A writer signing himself "A Whig" looked upon Catholic powers as enemies "to true religion

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[33] At that time he thought it as easy to turn the planets from their courses as Massachusetts from her "meeting houses and Sunday laws." Diary Entrant, October 14, 1774. *Works*, II, 399.

[34] Letter to James Warren, March 15, 1775. *Works*, IX, 355.

[35] Letter to Thomas Jefferson, May 6, 1816. *Ibid.*, X, 219. This attitude shows a marked change from his earlier antipathy toward Roman Catholics which he held prior to and during the Revolutionary struggle.

[36] Diary entry of February 18, 1756. *Ibid.*, II, 5-6.

[37] Letter # V, Issue under date of April 11, 1776.

and the liberties of mankind."[38] Another, "A Virginian," was distrustful of any aid from France or Spain.[39] After the Declaration of Independence was signed, a petition was placed in the king's own hand, warning him of the danger of Papists "Sheathing swords in the bowels of Protestants."[40] That the anxiety respecting foreign influence was not the result of superficial thinking must be admitted. Even George Washington himself entertained some forebodings, in his letter to Governor Johnson, in 1777. George Washington must have been cognizant of the efforts of the Continental Congress to enlist the aid of France. Yet amid the hardships of the winter at Valley Forge, when things were darkest, he expressed the desire that the issue of any further European rupture could be kept out of politics, fearing the effect that it might have on our public measures.[41]

But a changed attitude can be seen shortly after the adoption of the Declaration of Independence. Thomas Johnson, Jr., was elected the first governor of the new state in 1777. Heading the list of his councilors was Charles Carroll, a Roman Catholic, and father of the more famous Charles Carroll of Carrollton.[42] Evidently a Catholic in the Council was not looked upon with disfavor, for when reelected in 1778, Governor Johnson's

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[38] *Dunlap's Maryland Gazette and Baltimore General Advertiser,* April 30, 1776.

[39] *Maryland Gazette,* May 9, 1776.

[40] Postscript to *Dunlap's Maryland Gazette and Baltimore General Advertiser,* November 18, 1776.

[41] Washington to Governor Johnson, Valley Forge, December 29, 1777. *MS Collection, Brown Book, I, Letters and Papers of George Washington,* 1775-1790, No. 8 (Hall of Records, Annapolis). Yet, in spite of all fears, political necessity prevailed and France shortly afterwards became a supporter of the American cause. Protestant ministers were soon praying for a "Catholic king once odius to them." "Report of Chevalier de la Luzerne to Count de Vergennes, September 3, 1779," John Durand, *New Materials for the History of the American Revolution* (New York, 1889), p. 216.

[42] Kate Mason Rowland, *The Life of Charles Carroll of Carrollton, 1737-1832* (New York and London, 1898), I, 198.

Council of five men contained another Catholic.[43] But the new spirit was not limited to Maryland;[44] it was an outcome of the Revolutionary struggle. Catholics will always regard the American Revolution as the Magna Carta of their liberties, but it is well to know that this struggle merely gave impetus to forces already at work. In Maryland, Catholics stood to benefit at once from the upheaval, since the prominent leaders among them were not those of the strictly conservative type. A modern scholar in the American colonial field points out that the Calverts were Catholics of the moderate or Gallican type,[45] and other prominent historians after wide investigation have come to regard Cecil Calvert, founder of Maryland, as not a sincere Catholic.[46] Perhaps the most influential of the adherents of this faith during and after the Revolution was Charles Carroll of Carrollton. His liberality in the field of religion may have resulted from his education abroad. According to a Catholic author, Carroll admitted that he had imbibed some of the

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[43] The Council members were James Brice, James Hindman, Daniel Carroll, Edward Lloyd, and Thomas Sim Lee. "Council Meeting of November 9, 1778," *Maryland Archives,* XXI, 233. Carroll was a Roman Catholic. Cf. *Maryland Journal and Baltimore Advertiser,* March 23, 1790. J. G. Shea, *Life and Times of the Most Reverend John Carroll* (New York, 1888), p. 345. T. C. Hall, *Religious Background of American Culture* (Boston, 1930), pp. 256, 257. P. Guilday, *The Life and Times of John Carroll* (New York, 1922), I, 235. M. I. J. Griffin, ed. *The American Catholic Historical Researches,* XX, No. 3, 112, 113.

[44] It is also shown in the employment by New Englanders of a Catholic priest as an agent; by the fact that Thomas Jefferson sent both his daughters to a school conducted by Catholic nuns; and by President George Washington's tribute to the Catholics for the patriotism shown during the Revolutionary struggle. Cf. W. M. Leahy and William Byrne, *History of the Catholic Church in the New England States* (Boston, 1899), I, 14; T. C. Hall, *Religious Background of American Culture,* p. 264; and T. P. Phelan, "Charles Carroll of Carrollton, Signer of the Declaration of Independence," *Journal of the American Irish Historical Society* (New York, 1918), XVII, 118.

[45] H. L. Osgood, *American Colonies in the Seventeenth Century,* II, 315.

[46] *American Catholic Historical Researches,* N. S., III, 259.

doctrines of Voltaire.[47] Evidence seems to point to Carroll as a close student of this famous Deist.[48]

These facts do not in any way detract from the contribution to religious liberty made by both the Calverts and Carrolls. Although the type of freedom approved by the former was limited, it nevertheless gives to Maryland the enviable record of being the first of the thirteen original colonies to extend a legal toleration to all Christian sects in America. Charles Carroll, senior, had long contended for the removal of the disabilities endured by Catholics in Maryland. His son, Charles Carroll of Carrollton, was so tired of the contentions that years before the Revolution he had refused to read on controversial points.[49] In the Maryland Constituent Assembly of 1776 he voted in the affirmative on the clause giving the legislature the right to lay a tax for the support of religion,[50] but in doing so he was accepting the views of George Washington, Patrick Henry, John Marshall, and other patriots of that time. The new concepts of liberty, which advanced rapidly with Revolutionary ideas, removed the disabilities which Catholics had endured in Maryland,[51] and left them free to enter into places of trust in the new state.[52] Perhaps no Christian sect in America was more

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47 Peter Guilday, *Life and Times of John Carroll,* I, 4, 5. It is only fair to say that this conclusion is disputed by a more recent investigator. Cf. Joseph Gurn, *Charles Carroll of Carrollton* (New York, 1932), p. 188.

48 Cf. Charles Carroll of Carrollton to Edmund Jennings, August 13, 1767. T. M. Field, *Unpublished Letters of Charles Carroll of Carrollton* (The United States Catholic Historical Society, 1902), pp. 142, 143 .

49 Letter to Mr. Graves, August 12, 1766. T. M. Field, *The Unpublished Letters of Charles Carroll of Carrollton,* p, 131.

50 *Proceedings of the Convention of the Province of Maryland* (Baltimore, 1836), p. 307.

51 Even in the constitution of North Carolina in 1776 the clause probably directed against Catholics was never interpreted against them. S. B. Weeks, "Church and State in North Carolina," *Johns Hopkins University Studies in Historical and Political Science* (May-June, 1893), XI, 265.

52 The Catholics in America did not reorganize after the Revolution on a strictly national basis. They still remained under the direction of the

favored by the new spirit than were the Roman Catholics. No colony for decades prior to the Revolution extended religious equality to them. In neither Maryland nor Pennsylvania, where the majority of them lived, could they legally hold any office of trust or profit.[53] Catholics themselves point to the Declaration of Independence as the beginning of their freedom,[54] and to the Constitution of 1787 as its consummation.[55]

That religion was not primarily responsible for the increased liberty in Maryland after the Revolution is further emphasized in the tendency of the new Episcopal church in Maryland to trust the legislature in matters of state policy. This can be seen in a study of the movements leading to the adoption of the Federal Constitution in 1788.

Early in the year Maryland responded to the request of the governor of Virginia for the appointment of delegates to the Federal Convention at Philadelphia.[56] The men chosen to represent the state were Charles Carroll of Carrollton, Robert Hanson Harrison, Thomas Stone, James McHenry, and Thomas Sim Lee.[57] Of these,

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Pontiff at Rome. E. F. Humphrey, *Nationalism and Religion in America* (Boston, 1924), p. 235.

[53] This was largely due to oaths required which no honest Catholic could take. Cf. M. I. J. Griffin, "Thomas Fitz-Simmons: Pennsylvania Catholic Signer of the Constitution," *American Catholic Historical Society Records* (Published by the Society, 1889), II, 52. C. J. Stillé, *Religious Tests in Provincial Pennsylvania* (Philadelphia, 1885), pp. 31-40; 44, 45. Cf. also U. S. *Catholic Historical Society: Records and Studies* (December, 1917), XI, 47-48.

[54] Edw. H. Burton, *The Life and Times of Bishop Challoner* (New York, 1909), II, 147. J. Carroll Brent, ed., *Biographical Sketch of the Most Reverend John Carroll* (Baltimore, 1843), p. 68.

[55] J. G. Shea, *Life and Times of the Most Reverend John Carroll* (New York, 1888), p. 250.

[56] *Maryland Gazette,* February 22, 1787.

[57] *Ibid.,* April 26, 1787. Edward S. Delaplaine, "Life of Thomas Johnson," *Maryland Historical Magazine,* XXI, 52. Of these men the first was a Roman Catholic and the last later became one.

only McHenry served.[58] The actual delegates who represented Maryland were James McHenry, Luther Martin, Daniel Carroll, John Mercer, and Daniel of St. Thomas Jenifer.[59] With the single exception of Luther Martin, who left the Convention before its work was finished, these delegates took little part in the debates.[60] Only three signed the document at the end of the session.[61]

Interest in Maryland centered at once on the home government. An article by "Americus" informed the free and independent Electors of Baltimore of the need for sending qualified men to the next Assembly since the new Federal Constitution would be up for debate.[62] The House of Delegates on November 27, 1787, decided to submit the document to a convention of the people April 21, 1788.[63] Interest in the work of this body of delegates extended beyond the limits of the state.[64] How the question of religion was completely subordinated to political interests is seen in a perusal of the issues confronting this ratifying convention.

Few of the articles in the newspapers were concerned with religion;[65] and it appears that those who followed

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58 The others refused to do so, the majority apparently from lack of interest. Philip Crowl, *Maryland During and After the Revolution* (New Haven, 1943), p. 110.

59 *Ibid.*

60 *Ibid.*, pp. 111-114.

61 Daniel of St. Thomas Jenifer, Dr. McHenry, and Daniel Carroll. Edward F. Delaplaine, "Life of Thomas Johnson," *Maryland Historical Magazine,* XXI, 192.

62 *The Maryland Gazette or the Baltimore Advertiser,* September 7, 1787.

63 *Maryland Gazette, December* 6, 1787.

64 Madison to Washington, April 10, 1788. *Letters and Other Writings of James Madison* (Philadelphia, 1865), I, 384, 385.

65 Cf. Articles by "An Annapolitan" in the *Maryland Gazette,* January 31, 1788; by "Valerius," "A Countryman," and "Neckar," in the *Maryland Gazette or Baltimore Advertiser,* issues of February 1, 1788, February 12, 1788, and March 25, 1788 respectively. Also articles in the *Maryland Journal and Baltimore Advertiser* by "A Landholder," issue of January 1, 1788; "A Democratic Federalist," issue of February 8, 1788; and by "Civis," issue of February 1, 1788.

the deliberations of the ratifying convention of Maryland took little interest in it.[66] A "Real Federalist" wrote an article to "The People of Maryland" giving the qualifications for men sent to the convention to ratify or reject the new constitution. He wanted men of property. Their attitude toward religion was not mentioned as a qualifying factor.[67]

Furthermore, there was in Maryland no widespread interest in a Bill of Rights. One of the most prominent proponents of the Federal Constitution in the Maryland ratifying convention was Alexander C. Hanson. He clearly stated he saw no need of a Bill of Rights.[68] The issue was stated as early as November, 1787, by a writer signing himself "Old Whig."[69] He was soon followed by "Valerius," who contended in his article to the *Maryland Gazette or Baltimore Advertiser* that the Bill of Rights was already in the state constitutions.[70] Only a few weeks previous "A Landholder," answering objections to the Federal Constitutions raised by George Mason of Virginia, maintained that the Bill of Rights was in the people.[71] "A Farmer" in his article to the *Maryland*

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[66] The same seems true of Maryland legislators in the Lower House. The Address to their Constituents in 1787 was silent on religion. *Maryland Gazette,* January 25, 1787.

[67] Cf. also *Maryland Gazette or Baltimore Advertiser,* December 4, 1787. *The Maryland Journal and Baltimore Advertiser,* March 21, 1788, "A Marylander to Mr. Hayes." Unless laymen were in some political capacity, they gave little attention to religion. Their presence on discipline committees after the war proved a hindrance, since they were indifferent to the scandalous lives of the clergy. T. C. Gambrall, *Church Life in Colonial Maryland,* p. 300, 301.

[68] Alexander C. Hanson was a prominent jurist. He wrote under the name "Aristides." Cf. *Maryland Journal and Baltimore Advertiser,* March 4, 1788. E. D. Obrecht, in his article "The Influence of Luther Martin in the Making of the Constitution of the United States," states that Martin was "stubbornly resisted" in his attempts to get a Bill of Rights attached to the Constitution. Cf. *Maryland Historical Magazine,* XXVII, No. 4, 295.

[69] *Maryland Gazette or Baltimore Advertiser,* November 2, 1787.

[70] Issue of January 29, 1788.

[71] *The Maryland Journal and Baltimore Advertiser,* January 1, 1788.

Gazette or Baltimore Advertiser stated that a Bill of Rights was not given by kings or rulers,[72] intimating the inherent nature of the rights of man. "Fabius" wrote several articles dealing with the question of the new Federal Constitution. In his fourth article he distinctly stated that he saw no reason for any Bill of Rights. Liberties were not secured in that way. He found them in "common sense."[73]

Although these sentiments indicated no need for a specific Bill of Rights to be added to the Federal Constitution of 1787, there was some interest in amendments. Samuel Chase, William Paca, Luther Martin, J. F. Mercer, and others worked to secure them without success. But all these attempts showed a far deeper interest in politics than religion. Samuel Chase, as we have already noted, was somewhat inconsistent in his vote on some of the religious aspects of the Maryland Constitution of 1776. He was primarily an astute politician and belonged rather in the school of Patrick Henry than of Thomas Jefferson.[74] Formerly from Annapolis, he was now at the Maryland ratifying convention as a representative from Baltimore. His change of residence may have been due to a substantial gift from John Eager Howard of a residential of the Federal constitution, but one searches his record block in the latter city.[75] He was opposed to ratification

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[72] Cf. Issues of February 15, and 29, 1788. Also other articles by "A Farmer" in issues of March 21, March 28, and April 4, 1788.

[73] This article by "Fabius" can be seen in the *Maryland Gazette and Baltimore Advertiser,* May 20, 1788. The lack of interest in both religion or a Bill of Rights can be further seen in articles by "A Plebian," "To the Independent Electors of Prince George's County;" "Hambden," "To the People of Maryland." Cf. Issues of *Maryland Journal and Baltimore Advertiser,* March 14, 1788; and April 1, 1788, respectively. Cf. also "A Countryman," To the Country People of Maryland, *Maryland Gazette or Baltimore Advertiser,* March 4, 1788.

[74] Above p. 190, Footnote # 10.

[75] Allan Nevins, *The American States During and After the Revolution,* p. 323. Chase apparently was not averse to receiving gifts.

in vain for any manifested interest in freeing religion entirely from the shackles of the state.[76]

Luther Martin was one of the most outspoken foes of the new Federal Constitution. He opposed its ratification almost entirely from a political viewpoint. Martin was known as the "Federal Bull Dog."[77] He left the Philadelphia Convention before its session had closed, determined to thwart the adoption of the constitution by the states as a whole. He wrote a series of articles for the various papers of Maryland setting forth his views;[78] but he was silent on the question of religion. Though he worked for a Bill of Rights, he was not a member of the committee appointed by the Maryland Convention to draft amendments to the Federal Constitution.[79] The fact that this committee was not appointed until the vote to ratify the Federal Constitution had been taken shows that an interest in amendments was not of primary importance to the majority of the delegates. A brief glance at the Maryland ratifying convention confirms this conclusion.

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[76] He favored the Clergy Bill in the Maryland Assembly in 1784 providing state support for religion. As "Caution," Samuel Chase wrote an article to the people of Baltimore. In it he showed only a political interest. P. L. Ford, *Essays on the Constitution* (Brooklyn, 1892), pp. 327-328.

[77] Those in Maryland who opposed the adoption of the Constitution of 1787 maintained they were the real Federalists and that friends of the Constitution were nationalists. Cf. "Aristides," "To the People of Maryland," *Maryland Gazette,* January 1, 1789. "A Farmer" in *Maryland Gazette or Baltimore Advertiser,* March 7, 1788. Letter from Samuel Chase quoted in Kate Mason Rowland, *The Life of Charles Carroll of Carrollton,* II, 112. *Maryland Historical Magazine,* XXVII, 187. B. C. Steiner, "Maryland's Adoption of the Constitution," *American Historical Review,* V, 39.

[78] These articles ran in the issues of the *Maryland Gazette or the Baltimore Advertiser* from December, 1787 to February, 1788. His Articles in the *Maryland Journal* have been reproduced as "The Letters of Luther Martin" in P. L. Ford, *Essays on the Constitution of the United States* (Brooklyn, N. Y., 1892), pp, 337-383.

[79] *Maryland Gazette or Baltimore Advertiser,* May 6, 1788. B. C. Steiner, "Maryland's Adoption of the Federal Constitution," *American Historical Review,* V, 213.

The delegation which met in April, 1788, contained a Federal majority. This group felt they had come pledged to conform to the sentiments of their constituents.[80] They decided to ratify the constitution at once and even refused to answer questions raised by the minority. When William Paca desired to present a list of amendments he had prepared, he was accorded a very cool reception.[81] The friends of the constitution refused to debate and insisted on voting at once to ratify.[82] A member of the committee which was to bring in amendments, in a subsequent statement to the people of Maryland, said the Maryland delegates to the ratifying convention, referring perhaps to the Federal majority, had come together with the avowed object of adopting the constitution as it was without delay.[83] That this was true is evident from an article addressed to the "People of Maryland" and signed by several members of the committee appointed to bring in amendments after ratification had been voted. These members were also delegates to the ratifying convention.[84] From this article it is seen that the vote in the convention to ratify was 63 to 11,[85] and indicates little interest on the part of the majority of dele-

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[80] *Ibid.*, p. 208.

[81] *Ibid.*, pp. 210-211.

[82] Mr. Thomas Lloyd had been admitted to the Maryland ratifying convention to report in shorthand on the debates. Since the friends of the government refused to answer the questions of the minority in opposition, Mr. Lloyd refused to publish any debates regarding Amendments. *Maryland Gazette*, May 22, 1788. Thomas Lloyd had already covered the Pennsylvania Convention called to consider the Constitution of 1787. Evidently the discussions there were freer, for Mr. Lloyd published his notes. They were for sale in Annapolis by F. Green and were advertised in the *Maryland Gazette*, April 24, 1788.

[83] *Maryland Gazette*, May 8, 1788.

[84] This committee was composed of Paca, Johnson, Samuel Chase, Potts, Mercer, Goldsborough, James Tilghman, McHenry, and G. Gale. *Maryland Gazette*, May 1, 1788.

[85] *Ibid.*

gates in any change in the constitution as presented.[86]

The appointed committee began work at once and agreed almost unanimously on thirteen amendments, none of which touched on religion in any way. Fifteen others laid before them were negatived by the majority. The twelfth one of these expressed opposition to any established religion and guaranteed protection to all persons in their religious liberty.[87] The minority then agreed to support the government faction if the first three of the fifteen submitted would be accepted. This effort at harmony was unavailing. As none of these three were concerned with religion,[88] the conclusion is inevitable that in Maryland it was not playing much part in the deliberations over the adoption of the Constitution of 1787. The amendments submitted to the Maryland ratifying convention by William Paca contained one on religion. This guaranteed religious liberty to all persons and opposed the establishment of any religion by the national government. Maryland was satisfied if matters of religion were left to the state.[89] This was quite largely in accord with the principles held by the states as a whole.[90]

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[86] Allan Nevins, *The American States During and After the Revolution*, p. 320. B. C. Steiner, "Maryland's Adoption of the Federal Constitution," *American Historical Review*, V, 211. *Maryland Historical Magazine*, XXVII, No. 3. 295.

[87] *Maryland Gazette*, May 1, 1788.

[88] *Ibid.*

[89] For Paca's Amendments cf. *American Historical Review*, V, No. 2, 223-224. In recommending that all persons be protected in their religion, Paca went a little ahead of the Maryland Constitution of 1776 which recognized only Christian sects. These Amendments were not accepted by the convention.

[90] "A Pennsylvanian" in his Article # IV addressed to the Citizens of the United States, stated that the Federal Constitution left the matter of religion to state governments. *Maryland Gazette or Baltimore Advertiser*, March 11, 1788. It is said that the proposal contained in the first amendment of the Bill of Rights later affixed to the Federal Constitution was made by New Hampshire as a condition of her acceptance of that instrument as a foundation of the national government. M. I. J. Griffin, Editor, *The American Catholic Historical Researches*, II, (January, 1886), 86-87. New Hampshire

It is perhaps safe to say that no part of the social system of Maryland was more seriously deranged during the Revolutionary era than were the agencies that directed ecclesiastical affairs. Chief among these, of course, was the Established Church. Its function as an arm of the state disappeared with the constitution of 1776,[91] and with the change of status went also its support. Faced with the problem of later reconstruction, the clergy sought at first for ways and means of keeping as nearly intact as possible what remained of the former structure.

The first plan considered the need of the parishes for competent clergymen; and three were appointed on each Maryland shore to examine candidates for the ministry to act as lay readers. Priestly functions were to be carried out by neighboring clergymen.[92] Later plans adopted called for a superintending committee of ten clergymen who carried on approximately this same work and examined and recommended candidates for Holy Orders. Each one of the ten was expected to visit a certain number of parishes twice each year.[93] Besides this superintending committee there was a standing committee of ten clergymen and ten laymen, five from each shore. During the recess of a General Convention, members of this committee had oversight of all matters of discipline, their powers limited to investigations of charges against ministers, and a report to the next Convention. The Convention was

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had at the time a restrictive religious clause in her own constitution. Some Catholics take no credit for this amendment, claiming it resulted from state jealousies of the national government. "Catholics and the Constitution of the United States," *Ibid.*, XX, No. 1 (January, 1903), 27-29.

91 O. Tilghman, *History of Talbot County, Maryland*, II, 112. Cf. Hawks, *Contributions to Ecclesiastical History*, II, 301.

92 *Maryland Diocesan Journal*, I, First Section, pp. 14, 15. Hawks, *Contributions to Ecclesiastical History*, II, 296.

93 "Notices and Journals and Remains of Journals of the two Preliminary Conventions, etc.," *Journals of Conventions in Maryland 1780-1818* (Maryland Historical Society, Baltimore), p. 28. Hawks, *Contributions to Ecclesiastical History*, II, 301-303.

limited to reproofs, suspension and the dismissal of the accused. Complaints against any clergyman could be made only by his vestry, but no vestryman was permitted to sit in the trial against him.[94] From 1776 to 1779 the people sometimes chose the minister as a vestryman, but after the passage of the Vestry Act in the latter year this could not be done.[95]

The method of securing ministers for Episcopal churches underwent a significant change because of the war. In the general Assembly of the Maryland Church held in 1784, it was resolved that the clergy were the judges of ministerial commissions; but the people were given the right to approve and receive them into their parishes.[96] In 1788 the church decided that all matters of discipline and government would be in the hands of a committee consisting of an equal number of clergymen and laymen, the Bishop to be included as a member. This did not prove workable as laymen were somewhat reluctant to serve and indifferent to clerical delinquencies.[97] In a short time it developed that in the Maryland ecclesiastical court only clergymen could preside.

The very year of the signing of the peace which closed the Revolutionary struggle, saw the beginning of the church conventions which eventually became the controlling body of the church. The first of these was held in August of 1783, and in June of 1784 the second one was called. In this second meeting the laity were given a place, an innovation in Maryland Episcopal develop-

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[94] *Maryland Diocesan Journal,* I, First Section, p. 18, II; and Second Section, p. 28, IV; and p. 30, X. For a more detailed account see Hawks, *Contributions to Ecclesiastical History,* II, 302-304.

[95] Gambrall, *Church Life in Colonial Maryland,* p. 275.

[96] *Maryland Diocesan Journal,* I, First Section, p. 16, III. Gambrall, *Church Life in Colonial Maryland,* p. 293. Hawks, *Contributions to Ecclesiastical History,* II, 299.

[97] Gambrall, *Church Life in Colonial Maryland,* pp. 297, 301.

ments.[98] A precedent for the change had been set at a General Convention of the Protestant Episcopal church in Philadelphia the previous month. Laymen were invited as participants in the conventions because it was felt that their support was needed to carry the idea of episcopacy, and that they would not support ecclesiastical laws unless represented.[99] This fear was especially acute in Maryland where the first move to reorganize the Anglican church, after the Revolutionary upheaval, was launched. The Maryland convention of August, 1783, drew up a "Declaration of Rights and Privileges" of the newly organized church; but it was hesitant in sending a petition to the legislature until such action had the approval of the laity. This was obtained in June of 1784.

The move for an American episcopate, which had failed in the years preceding the Revolution, was taken up in earnest by the newly organized Protestant Episcopal church of Maryland. To obviate any prejudice against bishops, the General Convention of the Episcopal Church in Maryland declared that the duty and office of a bishop "differs in nothing from that of other priests except in the power of ordination, confirmation, and precedency in ecclesiastical meetings or synods."[100] This declaration of the nature of the office could be changed only by the joint voice of the clergy and laity in convention.[101] There was need for this interpretation of the episcopal office, for when Dr. William Smith was in June 1783 elected

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[98] *Maryland Diocesan Journal,* I, First Section, p. 16, IV.

[99] See White, *Memoirs of the Protestant Episcopal Church in the U. S.,* pp. 92-102. Rev. Bishop Seabury was opposed to the introduction of laymen into the conventions. See his letter to Dr. Smith, August 15, 1785. *Ibid.,* pp. 338-348.

[100] Gambrall, *Church Life in Colonial Maryland,* p. 292. There was still some prejudice against bishops for America. South Carolina as late as 1785 would limit their power. White, *Memoirs of the Protestant Episcopal Church in the U. S.,* p. 434.

[101] Hawks, *Contributions to Ecclesiastical History,* II, 299.

Bishop for Maryland, he failed to be consecrated because of the opposition to an episcopate that existed abroad, in other states, and in Maryland itself.[102]

The provincial spirit, characteristic of Maryland during the colonial period, was still present when the move was made to reorganize the disestablished church at the close of the Revolution. In the August convention of 1783 the clergy took the position that the Maryland church was a distinct unit with no connection whatever with the church in any other state. This concept was incorporated in the "Declaration of Rights and Liberties" drawn up at that meeting. The Maryland church wanted full power to regulate its own internal affairs.[103] This latter position was adhered to; but a compromise was accepted on the matter of complete independence. Maryland became a member of the sisterhood of churches on the understanding that the power to alter articles of religion did not repose in a General Convention, and that no change in such was binding unless sanctioned by a majority of the various state conventions.[104]

The new Protestant Episcopal church of Maryland still lacked a bishop. At a convention held in the state in May, 1792, this need was met when the Reverend Thomas John Claggett was elected to the office.[105] His acceptance closed the long struggle in Maryland for a resident bishop.

But the legislature continued to function in some matters pertaining to the church.[106] In 1789 the General

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102 "Church Conventions in Maryland of A. D. 1780, 1781, 1782, 1783," *Journals of the Episcopal Church in Maryland 1780-1818* (Maryland Historical Society, Baltimore), pp. 14-17. Sprague, *Annals of the American Pulpit*, V, 160.

103 Hawks, *Contributions to Ecclesiastical History*, II, 294, 309.

104 *Ibid.*, 308-309.

105 *Ibid.*, 310.

106 As late as the end of 1788 the legislature of Maryland passed an Act to enable the inhabitants of St. Paul's parish to elect vestrymen and churchwardens. *Maryland Gazette*, December 25, 1788.

Assembly decided to print for two weeks in the Annapolis *Gazette* a bill to enable certain persons of every Christian faith throughout the state to form a corporation in the interest of their church or congregation.[107] This showed a desire to treat all Christian sects on a parity. A tendency to more liberty in the field of religion can be seen gradually making headway in conservative Maryland. It was, however, well into the nineteenth century before non-Christian sects in the state were free from the restrictions placed upon them by legislation. This consummation was brought about by a voice that was heard in Western Maryland in behalf of the Jews. It was perhaps a continuation of that spirit which both fostered and followed the American Revolution and was primarily concerned with the rights of man.

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[107] This was done to elicit comment from the people, but it failed to secure any response. The people as a whole were as usual not taking a primary interest in religion. *Maryland Gazette,* January 1, 1789, and following issues.

Chapter IX

CONCLUSION

The problems of church and state in Maryland during the seventeenth and eighteenth centuries were such as to challenge the interest of any student of the relationship of these two institutions. From the founding of the colony to the Glorious Revolution near the end of the century, religion and the state were closely associated. Following this upheaval, and during the first three quarters of the eighteenth century, the Church of England was the recognized established church of the province.

The first of the thirteen colonies to extend legal toleration in the religious field to all believers in the Trinity, Maryland was also the first of them to try out the experiment of Roman Catholics and Protestants living together on the same plane of religious equality. This happy arrangement was soon broken by what is usually termed the Puritan regime from 1654-1658. Dominated by a mere handful of Puritans, supported as they were by Presbyterians, Independents, and all anti-Catholic sentiment in the colony, bigotry for a time arose and the Toleration Act of 1649 must be listed as one of the first casualties. Lord Baltimore, restored to his rightful place at the end of this period, insisted on reinstatement of the Act whose repeal he had never sanctioned. Although free once more to practice their religion, Catholics were never able to overcome the cloud of suspicion which hung over them as enemies of both the Anglican church and the civil authorities. This hostile sentiment was a contributing cause of the Revolution of 1689, which marked the end of toleration for

Catholics in Maryland. From this revolution of the seventeenth century to the American Revolution of the eighteenth, Catholics were never free to exercise their rights either civil or religious in the colony.

But unseen forces were working in behalf of liberty. For a time, Maryland, once the haven for the religiously oppressed, created an atmosphere which discouraged even the Protestant dissenters. Gradually the Anglican Church achieved a preeminent position, and her members rose to the chief positions within the colony. But she overshot the mark. Her clergymen, products of the unique system in vogue there, failed to win public confidence; and when the American Revolution broke many of them had left their parishes for more favorable surroundings. This gave an added impetus to the revolutionary spirit, which emphasized the rights of man, both in religion and in politics, and set itself against the principle of an established church.

But tradition dies hard. Maryland in her constitution of 1776 still recognized the right of religion to support by taxation. The Maryland legislators, however, refused to enact a law putting this principle into effect. This foreshadowed the end of an established church in the new state. Though vestiges of the old activity of the legislature in the religious field could be seen years after the Revolution had closed, the policy of religious monopoly was on the whole no longer in public favor, and soon passed away in the ever broadening concepts of religious liberty.

Dissenters were numerous in the Maryland province, and at times influential, but they were never the force they were in Virginia. This was due to their lack of leadership and organization, as well as to the strengthening of the Anglican Church after establishment. But establishment was largely the work of lay leadership in

accordance with a well developed policy of the church. While in general no common voice was ever raised in defense of dissenters in Maryland, the fruits of the Revolutionary movement accrued to them in the form of full religious liberty and equality. But this boon came slowly. It was not fully enjoyed by all sects until well into the nineteenth century.

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In the Hall of Records, use was made of Portfolios Nos. 2, 3, and 4. These contained instructions from the Lord Proprietary to Governor Sharpe and are especially valuable in showing the former's attitude toward the clergy of the established church in Maryland. Also some revenue laws having a bearing on church-state relationships are to be found here, as well as some items on population, and on the general apathy regarding state affairs. In this collection is found the Brown Book, which contains letters in manuscript of George Washington during the Revolution. On the whole one finds little reference to the problems of the church in these letters.

The Manuscript Division of the Library of Congress has many documents of the Society for the Propagation of the Gospel in Foreign Parts. Some of these designated "Photofilm Enlargements, 1929, Maryland" give information on church and state problems on the eve of the Revolution. Contributions to this aspect are found in several letters from Governor Eden. These are transcripts from the Public Record Office, Colonial Office 5, 1285, and 1286.

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"Meetings of the Clergy." This consists of photostats from original manuscripts depicting the work of the clergy of the Established church of Maryland, and is an excellent source for such meetings as they were able to attend during the strenuous times preceding the outbreak of Revolutionary hostilities.

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